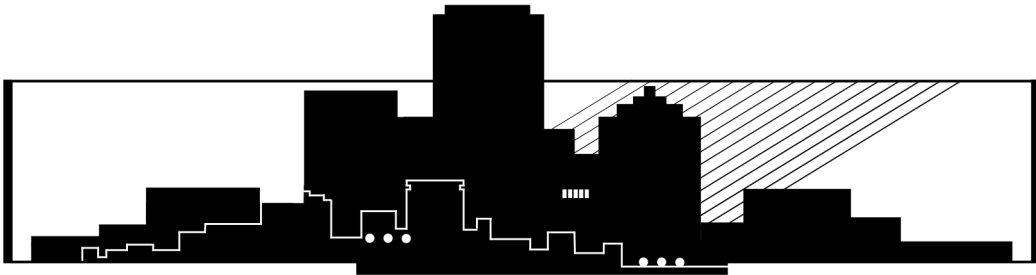


Virtual Committee of Adjustment
Meeting
October 9, 2024 at 5:30 pm



AGENDA

COMMITTEE OF ADJUSTMENT AGENDA

Meeting #18

Meeting Date: October 9, 2024

TIME OF MEETING:	5:30 P.M.
PLACE OF MEETING:	Virtual via Zoom Video Conferencing Technology

- 1. DECLARATION OF INTEREST:**
- 2. ADDENDUMS:**
- 3. REQUEST FOR DEFERRALS:**
- 4. CONSENT ITEMS:**

HEARING NO.	TIME	FILE NO. 540-02-	APPLICATION ADDRESS
4.1)	5:30 P.M.	A-053/24	Re: 475 Pinedale Ave., Burlington Ward 5 Pages 1 - 14
4.2)	5:30 P.M.	A-054/24	Re: 4052 Melba Lane, Burlington Ward 4 Pages 15 - 28

5. REGULAR ITEMS: None

HEARING NO.	TIME	FILE NO. 540-02-	APPLICATION ADDRESS
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6. OTHER BUSINESS:

- 6.1 Correspondence
- 6.2 Items for Discussion
- 6.3 Date of Next Meeting
- 6.4 Motion to Approve Minutes of the previous Committee of Adjustment Meeting:

7. ADJOURNMENT:

COMMITTEE OF ADJUSTMENT

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HEARING NO. 4.1 - 5:30 P.M.

File
540-02-A-053/24

APPLICANT: Tomasz and Sylwia Kubiak,

PROPERTY: 475 Pinedale Avenue,
City of Burlington - Regional Municipality of Halton.

PROPOSAL: The applicant is proposing the construction of a first storey and second storey addition to an existing one-storey dwelling without an attached garage.

The proposed second storey addition changes the maximum lot coverage permitted from 27% for a one-storey dwelling plus 8% for accessory buildings to 17% for a two-storey dwelling plus 8% for accessory buildings in a Designated Area.

VARIANCE: 1. To permit lot coverage of 21.3% instead of the maximum permitted 17% for a two-storey dwelling without an attached garage .

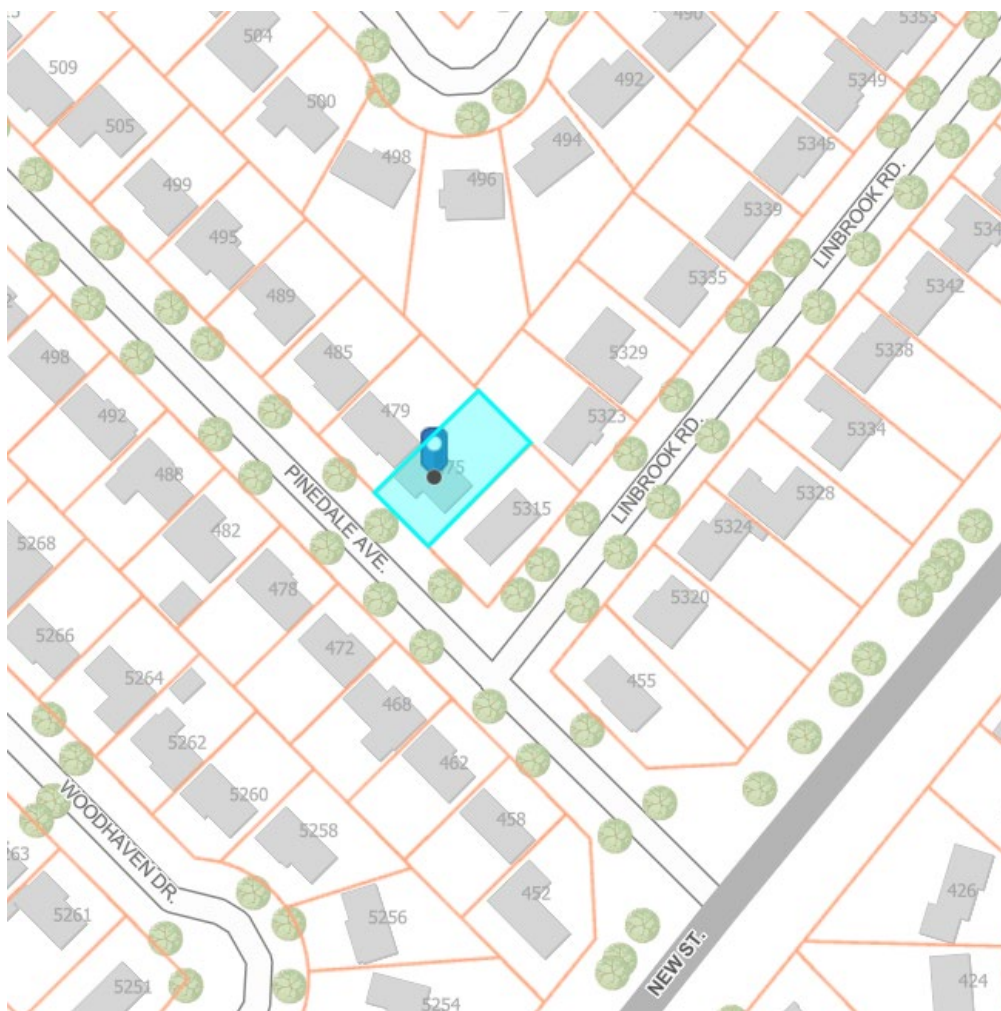
COMMITTEE OF ADJUSTMENT

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Owner(s): Tomasz Kubiak and Sylwia Kubiak
Address: 475 Pinedale Ave. Burlington
File No. **A-053/24**
Ward: 5



Staff Comments

Committee of Adjustment

There are no previous land division or minor variance applications on record for this property.

Date: July 19, 2024

Prepared By: C. Kabel

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Zoning

1) Background information:

The subject property is zoned R3.1, Low Density Residential, under Zoning By-Law 2020, as amended, and is located in the designated area for lot coverage and floor area ratio. The R3.1 zone requires, among other things, the following:

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R3.1	15 m	500 m ²	6 m	9 m	(b)	4.5 m

Footnotes to Table 2.4.1

- (b) Without attached garage or carport:
- (i) One or one and a half storey side: 1.2 m, 3 m other side
 - (ii) Two or more storey side 1.8 m, 3 m other side

4.2 MAXIMUM LOT COVERAGE

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 30% for one and a half storey dwellings including accessory buildings 25% for all other dwelling types including accessory buildings	27% for one storey dwellings plus 8% for accessory buildings 22% for one and a half storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings

Footnotes to Table 2.4.3

- (a) One accessory building less than 10 m² and less than 2.5 m in height shall be exempt from the lot coverage requirements of Table 2.4.3.
- (b) Designated Areas are shaded on ZONING MAPS in Part 15.
- (c) Properties with a front or street side yard abutting Lakeshore Road or North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard shall be exempt from the designated area regulation. For through

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lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

2) Proposal:

The applicant is proposing the construction of a first storey and second storey addition to an existing one-storey dwelling without an attached garage.

The proposed second storey addition changes the maximum lot coverage permitted from 27% for a one-storey dwelling plus 8% for accessory buildings to 17% for a two-storey dwelling plus 8% for accessory buildings in a Designated Area.

3) Variances required:

1. To permit lot coverage of 21.3% instead of the maximum permitted 17% for a two-storey dwelling without an attached garage.

4) Notes and conditions:**Condition:**

1. A Pre-Building Approval Application is required.

Notes:

1. Conservation Halton Approval is required.
2. Variances have been identified based on the plans submitted for zoning review. If additional variances are identified when a Pre-Building Approval Application is made, they will be the responsibility of the applicant to obtain.
3. The zoning review is based on the portion of the site affected by the proposed development only.
4. The variances are being reviewed under 45(1) of the *Planning Act*.

Date: August 20, 2024Prepared By: J. Parker**Site Planning**

A minor variance application has been submitted to the City of Burlington to facilitate the construction of a second-storey addition on an existing one-storey dwelling. The

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applicant requests approval of the Committee of Adjustment because the proposed addition will exceed the permitted lot coverage:

1. To permit lot coverage of 21.3% instead of the maximum permitted 17% for a two-storey dwelling without an attached garage.

The subject lands are rectangular-shaped lot with a total area of 556.85 m² (0.0556 hectares) with approximate lot frontage of 16.78 metres along Pinedale Avenue. The site is located north of New Street and west of Burloak Drive and is known municipally as 475 Pinedale Avenue.

Adjacent and surrounding lands uses to the north, south, east and west include predominantly low density single detached dwellings.

The City of Burlington Official Plan, 1997 describes the City structure as being comprised mainly of *residential neighbourhoods*, defined as a residential area sharing similar characteristics with identifiable boundaries, such as arterial or collector roads, hydro corridors, creeks or an area of non-residential uses. While new residential development is required to be compatible with “surrounding properties”, many of the Official Plan’s development and intensification policies reference the “*residential neighbourhood*” or “*neighbourhood*” as an important lens for assessing the compatibility of a development proposal. The property is in a *residential neighbourhood* bounded by Centennial Trail to the north, New Street to the south, Sheldon Creek to the east and Appleby Creek to the west. This neighbourhood is characterized by a mixture of one to two-storeys detached dwellings with and without attached garages, with a townhouse complex centrally located in the neighbourhood. In the immediate area, there are a mixture of built forms, including one to two-storey detached dwellings and a variety of building footprints and depths present. The immediately surrounding properties are in the R3.1 zone and other properties in the greater area are in the R3.2 zone.

Existing land uses on the property include a detached one-storey dwelling (without an attached garage) (113.66 m²) with a front uncovered porch and accessory structures (i.e. two rear yard sheds). Access to the property is via a double wide asphalt driveway from Pinedale Avenue. The driveway includes two trees in the middle, each growing out of a circular planting area. The trees separate the driveway into two parts. Off-street parking is currently provided on the driveway, which can accommodate the required two (2) parking spaces. No additional entrances are contemplated by the application. A site visit was conducted on August 28, 2024 and existing on-site conditions are summarized in site photos included as Attachment No. 1 (Site Photos).

The proposed includes a second storey addition, to be sited on top of southern half of the existing dwelling. The Gross Floor Area (GFA) of the second-floor addition is 54.99m², which brings the Floor Area Ratio (FAR) up to 0.31:1 (max 0.45:1). As the addition is not expanding the building footprint, the lot coverage will remain unchanged.

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It should be noted that the existing setbacks and the new building height of 6.94 metres are compliant with the required zoning standards.

A site plan (as prepared on August 6, 2024), and submitted with the application, illustrates the extent and location of existing and proposed development. A copy of the site plan is included as an attachment in a later section of this report.

Building elevations and floor plans (as prepared on August 7, 2024) as submitted with the application, are included as an attachment in a later section of this report. The proposed exterior design and material finishes of both the addition and existing.

1) City of Burlington Official Plan:

Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?

Yes

Regional Official Plan (2022):

Due to recent Provincial legislation the Region of Halton's role in land use planning and development matters has changed. The Region is longer responsible for the Regional Official Plan, which has become the responsibility of Halton's four local municipalities. During this period of transition, Regional staff are still working with municipal staff to provide comments on applications.

The subject lands are located within the Urban Area (Map 1) and within the Built Boundary (Map 1h) in the Regional Official Plan (ROP). The proposal to build a second storey addition to an existing detached dwelling is small enough in scale that it is not specifically addressed by ROP policies, but is a modest form of intensification that meets the general intent and purpose of the ROP's land use designation policies and objectives under Part III. Specifically, the proposal is consistent with the objective to "facilitate and promote *intensification* and increased densities" (policy 72.1(9)), which contributes to complete *communities* (72).

City of Burlington Official Plan:

On April 2, 2024 the Ontario Land Tribunal issued a decision granting the City's motion for partial approval of the Burlington Official Plan, 2020 (BOP, 2020). This decision brought the "Residential Neighbourhood Areas" policies under "Chapter 8- Land use policies" into force. These policies supercede the "Residential Areas" policies of the Burlington Official Plan, 1997 (OP, 1997). However, other chapters of BOP, 2020 relevant to the application, such as Chapter 7- Design Excellence, remain under appeal so the application has been reviewed against a combination of in-force policies under both Official Plans.

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The subject lands are designated 'Residential – Low Density' according to Schedule 'C' (Land Use - Urban Area) of the BOP, 2020, as amended.

Section 8.3.3 (1) (Residential Neighbourhood Area Policies) of the BOP, 2020, states that among the permitted uses within the 'Residential Low Density' designation are single detached housing units (with a maximum permitted residential density of 25 units per hectare). As such, the proposed is a permitted use and the proposed minor variance does not impact the density.

The general intent and purpose of the BOP, 2020 is to encourage new residential development, including new structures, in residential neighbourhood areas while recognizing that the form of development must be balanced with other considerations like compatibility and integration within existing residential neighbourhoods.

Part II, Section 6.5 (Design Guideline Policies) of the OP, 1997 lists aspects of new development that should be compatible and integrate well with the surrounding area including "the density, form, bulk, height, setbacks, spacing and materials..."

Compatible(ity) is defined in the OP, 1997 as: "development or redevelopment that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health. Compatibility should be evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals."

To assess the proposal's compatibility with the surrounding area and the appropriateness of the design, staff need to consider the predominant building patterns and common features of development in the neighbourhood, but also the potential form and scale of the neighbourhood represented by the as-of-right zoning permissions. Staff must also consider the range or variety of different building characteristics that coexist harmoniously and without adversely impacting the neighbourhood character area.

This neighbourhood is characterized by a mixture of one to two-storeys detached dwellings with and without attached garages. There are a variety of building footprints and depths present. In the immediate area, there are a mixture of built forms, including one to two-storey detached dwellings. The proposal is in keeping with the identified neighbourhood character.

The proposal was also assessed for any potential adverse impacts the neighbourhood and most notably the southern abutting property, as the addition will increase the height of the dwelling and be sited atop the lower half of the first storey. The proposed addition remains within the height requirement and maintains the existing side yard setback of 3 metres. The proposed also complies with the FAR provision further

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indicating the proposed is not an overbuild of the subject lands.

The dwelling maintains similar design and built form elements to the existing dwelling and other existing dwellings in the surrounding, particularly with respect to materials, rooflines, and window shapes and sizes. The proposal is a second storey addition above only a portion of the first storey, which further reduces the massing impacts on the streetscape. Staff are of the opinion that the proposed addition is well integrated into the existing dwelling.

Overall, staff are of the opinion that the proposed addition meets the compatibility policies and within the Official Plan and is in keeping with the general intent and purpose of the City of Burlington Official Plan.

2) City of Burlington Zoning By-law 2020:

Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?

Yes

The subject lands are zoned Low Density Residential ('R3.1') Zone to Map No. 27 of the City of Burlington Zoning By-law 2020. A detached dwelling is permitted within the applicable zoning. The property is also located within a designated area for lot coverage pursuant to Part 15 of the Zoning By-law.

Section 4.2 (Table 2.4.3) (Maximum Lot Coverage) of the City of Burlington Zoning By-law 2020 stipulates that the maximum permitted lot coverage of all other dwellings (without an attached garage), as located within a designated area for lot coverage is 17 per cent. The existing lot coverage of the property is 117.9 m² (21.3 per cent). There is no change to the proposed lot coverage, as the proposed is being constructed on top of the existing first storey. As the proposal is a two storey, an alternative lot coverage standard is required to be met.

Lot Coverage is defined in the zoning by-law as 'the percentage of the lot area covered by buildings measured to the outside of the exterior walls, including all buildings and projections (cantilevered floor space, window projections, etc.). Carports, porches and decks may be excluded from the lot coverage calculation provided there is no floor area above them'.

The intent of the zone provision related to maximum permitted lot coverage is to ensure an appropriate balance between built form and natural or landscape features with the objective of regulating the over-development of lots. The measure of lot coverage can be assessed on a technical basis (i.e., permeable vs. non-permeable area) or in balancing land uses in conjunction with other regulations (i.e., setbacks; minimum

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distance separation).

As previously noted, there will be no change to any permeable surfaces or naturally landscaped area as a result of the proposed addition. The proposal is sited on top of the existing first storey and will not increase the existing lot coverage. With the exception of lot coverage, the proposal meets all other required zoning provisions, notably including all setbacks, height and FAR requirements, leading staff to the conclusion that the proposal is not an overdevelopment of the subject lot.

If approved, staff are of the opinion that the proposal maintains an adequate amount of landscaped area and is not over developing the lot. As such, the proposed variance maintains the general intent and purpose of the Zoning By-law.

3) Desirability:

Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?

Yes

The subject application has been reviewed in the context of existing and surrounding land uses as well as potential impacts affecting the orderly development of the property. As noted previously, the applicant is not proposing an increase to the existing lot coverage.

Site Engineering staff has reviewed the application and has indicated no objection to the requested variance. Further review/revisions to plans may be required through the Grading and Drainage Clearance Certificate process.

Staff are of the opinion that the requested variance is desirable, given that they will increase the utility of the existing dwelling while maintaining compatibility with surrounding neighbourhood character and not cause any adverse impacts to the surrounding properties.

4) Minor in Nature:

Is the proposed minor variance(s) from the zoning by-law considered minor in nature?

Yes

The proposed development is intended to continue the use of the property for residential purposes with minimal land use impacts anticipated. With the exception of

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the proposed lot coverage, the development otherwise complies with the provisions of the applicable zoning. In consideration of the above, it is staff's opinion that the requested minor variance to the City of Burlington Zoning By-law 2020 be deemed minor.

Cumulative Effects of Multiple Variances and Other Planning Matters:

N/A

Recommendation:

Staff has reviewed the subject application in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the requested variance.

Date: September 18, 2024Prepared By: Ryan Kochuta**Report Schedules & Attachments:**

Attachment No. 1 (Site Photos – August 28, 2024)



View of the subject property from the street



View of the abutting southern property and side yard

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View of the rear of the existing dwelling



View of the abutting southern property and side yard

Development Engineering

Development Engineering has no objection to the variance(s) requested. Revisions to the plans may be required through the Grading and Drainage Clearance Certificate process.

Date: September 4, 2024

Prepared By: E. Canham

Forestry

Forestry has no objection to the proposed minor variance(s) and provides the following advisory note(s) to the applicant:

1. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws.
2. Revisions to the report and/or plans may be required through the tree permit process.

Date: August 29, 2024

Prepared By: R. Shaw-Lukavsky

Building

1. A Building Permit is required for all building construction;
2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.

Date: Sep 4, 2024

Prepared By: T. Le

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Transportation PlanningDeemed Road Width Analysis

Pinedale Avenue is under the authority of the City of Burlington and the deemed right-of-way width is 20 metres. The right of-way adjacent to the subject site is approximately 20 metres therefore no additional lands are required.

Date: July 23rd/ 2024Prepared By: Taylor Kirchknopf

Transportation Planning has reviewed the proposed minor variance application and has no comments or concerns.

Date: September 3rd 2024Prepared By: Taylor Kirchknopf**Finance****Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

Tax

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: August 21, 2024Prepared By: L. Bray**Halton Region**

Regional Staff have received the Minor Variance application for 475 Pinedale Avenue, where the applicant is proposing the construction of a first storey and second storey addition to an existing one storey dwelling without an attached garage. The proposed second storey addition changes the maximum lot coverage permitted from 27% for a one storey dwelling plus 8% for accessory buildings to 17% for a two storey dwelling plus 8% for accessory buildings in a Designated Area.

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as

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the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.

- Regional Staff have no objections to the Minor Variance application.

Date: September 4, 2024Prepared By: Amanda McNeish**Conservation Halton**

CH staff understand that the applicant is proposing the construction of a first storey and second storey addition to an existing one-storey dwelling without an attached garage. The proposed second storey addition changes the maximum lot coverage permitted from 27% for a one-storey dwelling plus 8% for accessory buildings to 17% for a two-storey dwelling plus 8% for accessory buildings in a Designated Area. The following variance is required:

- To permit lot coverage of 21.3% instead of the maximum permitted 17% for a two-storey dwelling without an attached garage.

Conservation Authorities Act and Ontario Regulation 41/24

Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. The subject property is regulated by CH as it contains a flood hazard (spill) associated with Sheldon Creek. Spills are flood hazard/hazard lands under the CA Act and Ontario Regulation 41/24 and CH regulates within the limits of the spill. Permits are required from CH prior to undertaking development activities within CH's regulated area and applications for development are reviewed under the CA Act, Ontario Regulation 41/24, and CH's Board-approved policies and requirements (<https://conservationhalton.ca/policies-and-guidelines>).

Based on CH's Approximate Regulation Limit (ARL) mapping, the proposed development is located outside of CH's regulated area. Therefore, CH has no concerns with the requested variance from a regulatory perspective. Prior to undertaking the proposed works, the applicant will need to apply for and obtain a Development Clearance Letter from CH.

Ontario Regulation 686/21 - Provincial Policy Statement (Sections 3.1.1-3.1.7)

In addition to CH's regulatory responsibilities (described above), CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the Province to ensure that decisions under the *Planning Act* are consistent with the Natural Hazards Sections (3.1.1-3.1.7) of the Provincial Policy Statement.

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As the proposed development will be located outside of the flooding hazard, CH raises no concern with the requested variance in relation to its consistency with the natural hazard policies.

Recommendation

CH has no objection to the approval of the minor variance application. The applicant will need to apply for and obtain a Development Clearance Letter from CH prior to the initiation of works. Should any changes to the proposal arise through the Minor Variance process, please circulate CH for further review to identify any regulatory and permitting requirements.

Date: September 4, 2024Prepared By: Ashley Gallagher

**PLANNING ACT, R.S.O. 1990, C.P. 13
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)

Application made under:

Section 45 (1) of the Planning Act

Section 45 (2) of the Planning Act

Discussed the application with a City Zoning Examiner and Development Planner Y or N

Name of Planner: RYAN KOCHUTA

Name of Zoning Examiner: STEVE BOICH

PROPERTY INFORMATION

Municipal Address(es) of property:

475 PINEDALE AVE., BURLINGTON, ONTARIO L7L3W3

Legal Description of property:

LOT 133, REGISTERED PLAN 1306, CITY OF BURLINGTON

Official Plan Designation: RESIDENTIAL- LOW DENSITY Current Zoning Designation R3.1

OWNER(S) INFORMATION:

Legal Name (as it appears on the title for the property):

TOMASZ KUBIAK & SYLWIA NATALIA KUBIAK

Mailing Address: 475 PINEDALE AVE.

City: BURLINGTON

Postal Code: L7L 3W3

Home Phone: 905-631-9885

Mobile Phone: 289-937-1157

Work Phone: _____

E-Mail: rigidsheetmetal@gmail.com

AGENT INFORMATION (if applicable): (This person will be the primary point of contact if provided)

Name: _____

Business Address: _____

City: _____

Postal Code: _____

Home Phone: _____

Mobile Phone: _____

Work Phone: _____

E-Mail: _____

PROPOSED DEVELOPMENT Please outline in detail your proposed development and list each variance you are requesting, as well as the Zoning By-law Requirements. Attach a separate sheet if required.

PROPOSED 2nd STOREY ADDITION & EXISTING GROUND FLOOR PORCH ENCLOSURE.

Variance(s) Requested	Zoning Bylaw Requirement
PROPOSED LOT COVERAGE OF 21.2%	LOT COVERAGE FOR A 2 STOREY DWELLING IS 17%
- A 4.2% INCREASE OVER THE PERMITTED	

In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature? THE VARIANCE IS CONSIDERED MINOR BECAUSE IT DOES NOT ADVERSELY IMPACT THE INTENT OF THE OFFICIAL PLAN AND ZONING BY-LAW. THERE IS NO DISCERNIBLE EXPANSION OF THE BUILDING'S FOOTPRINT ON THE LOT. THE PROPOSED PROFILE IS REFLECTIVE OF MANY HOUSES IN THE NEIGHBOURHOOD.

2. Why are the variance(s) desirable for the appropriate use of the land? THE VARIANCE SOUGHT DOES NOT ADD TO THE FOOTPRINT OF THE HOUSE. WITHIN THE DESIGNATED AREAS (b) & (c) OF THE BY-LAW, THE CURRENT LOT COVERAGE OF 21.2% IS WELL WITHIN THE PERMISSIBLE 27% FOR A 1 STOREY DWELLING. THE PROPOSED PARTIAL VERTICAL EXPANSION, THOUGH IT EXCEEDS THE STIPULATED 17% BY 4.2%, IS STILL WITHIN THE ALLOWABLE OF 22% FOR A SIMILAR 1/2 STOREY ADDITION HAVING THE SAME GFA, BUT A DIFFERENT PROFILE. WITHIN THE CONTEXT OF THE INTENT OF THE OFFICIAL PLAN AND THE ZONING BY-LAW, AESTHETICALLY, THE PROPOSED HOUSE PROFILE IS NOT DISSIMILAR TO MANY HOUSES IN THE SAID NEIGHBOURHOOD.

3. Do the variance(s) meet the intent and purpose of the Official Plan? YES IT DOES. THE INTENT AS IT SPEAKS TO THE DEVELOPMENT RELATIVE TO , STREET SCAPE AND PROFILE WITHIN THE URBAN CONTEXT IS MAINTAINED.

4. Do the variance(s) meet the intent and purpose of the Zoning By-law? YES. THE INTENT SPECIFIC TO THE LOT COVERAGE REQUIREMENT GUARDING AGAINST THE BUILT FORM OVERWHELMING THE GREEN SPACE (LANDSCAPE) IS RETAINED. THE FOOTPRINT IS NOT EXPANDED IN THIS RESPECT.

PROPERTY DETAILS (please complete all fields):		
Date property purchased: _____ <small>mmm/dd/yyyy</small>	Date property first built on: _____ <small>mmm/dd/yyyy</small>	Date of proposed construction: _____ <small>mmm/dd/yyyy</small>
Existing Use of the Subject Property (check one): Detached Dwelling <input checked="" type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Other <input type="checkbox"/> _____		Length of time the existing uses of the subject property have continued: <p style="text-align:center">70 YEARS</p>
		Proposed Use of the Land: <p style="text-align:center">SINGLE FAMILY DETACHED DWELLING</p>
Existing Uses of Abutting Properties (check all that apply) Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>		
Additional Information Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Is the property on the Municipal Cultural Heritage Register for the City of Burlington? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>		
Type of Access to the Subject Lands Provincial Highway <input type="checkbox"/> Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other(specify) <input type="checkbox"/>		
Municipal Services Provided Water <input checked="" type="checkbox"/> If not available, by what means is it provided: _____ Sanitary Sewers <input checked="" type="checkbox"/> If not available, by what means is it provided: _____ Storm Sewers <input checked="" type="checkbox"/> If not available, by what means is it provided: _____		
IS THE SUBJECT LAND(S) THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS: <input type="checkbox"/> Official Plan Amendment <input checked="" type="checkbox"/> Zoning By-law Amendment <input type="checkbox"/> Building Permit <input type="checkbox"/> Site Development Plan <input type="checkbox"/> Plan of Subdivision <input type="checkbox"/> Previous Minor Variance <input type="checkbox"/> Consent		

FOR RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLINGS

Dimensions of Property			Street Width (see first page of application for how to obtain)			113.66 EXISTING	
Frontage	Depth	Area	Actual	Deemed	Required	Lot Coverage	Corner Lot?
16.76	33.30	556.85	20m	20m	N/A	118.11 PROPOSED	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>

Particulars of all buildings and structures on or proposed for the subject lands

(attach additional page if required)

EXISTING (Dwelling/Building)			PROPOSED (Dwelling/Building/Addition)		
Ground Floor Area (incl. attached garage)	113.66- NO GARAGE + OPEN FRONT PORCH	M ²	Ground Floor Area (incl. attached garage)	118.11 - NO GARAGE, INCL ENCLOSED FRONT PORCH	M ²
Gross Floor Area:	113.66	M ²	Gross Floor Area:	173.10	M ²
Number of Storeys:	1		Number of Storeys:	2	
Width:	10.36	M	Width:	10.36	M
Length:	12.60	M	Length:	12.60	M
Height:	4.3	M	Height:	6.94	M
Garage/Car Port			Garage/Car Port		
Detached?	Y <input type="checkbox"/> N <input type="checkbox"/>		Detached?	<input type="checkbox"/> N <input type="checkbox"/>	
Gross Floor Area:		M ²	Gross Floor Area:		M ²
Width:		M	Width:		M
Length:		M	Length:		M
Height:		M	Height:		M
Accessory Structures (Shed, Gazebo etc)			Accessory Structures		
Gross Floor Area:	4.32	M ²	Gross Floor Area:	4.32	M ²
Width:	1.80	M	Width:	1.80	M
Length:	2.40	M	Length:	2.40	M
Height:	2.50	M	Height:	2.50	M
Other (pool, additional sheds, decks, driveways, etc.)			Other		
Gross Floor Area:	8.93	M ²	Gross Floor Area:	8.93	M ²
Width:	2.55	M	Width:	2.55	M
Length:	2.40	M	Length:	2.40	M
Height:	2.50	M	Height:	2.50	M

LOCATION of all existing and proposed buildings and structures

EXISTING			PROPOSED		
Front:	6.31	M	Front:	6.31	M
Rear:	16.65	M	Rear:	16.65	M
Side/Street Side:	1.23	M	Side/Street Side:	1.23	M
Side/Other Side:	3.05	M	Side/Other Side:	3.05	M

EXEMPTION FROM NEW SURVEY REQUIREMENT

Minor additions to an existing dwelling or for a proposed accessory building or structure (i.e., deck, driveway, pergola, shed), may be exempt from having to provide a new survey. Please refer to Page 3 of this application package for more details. Minor Variances with concurrent Consent applications require a new survey.

Applicant/Owner: <u>TOMASZ KUBIAK</u>	Property Address: <u>475 PINEDALE AVE. BURLINGTON ONTARIO, L7L 3W3</u>
---------------------------------------	--

1. I, TOMASZ KUBIAK In my capacity as OWNER do attest to the following:

 Print Name (Owner or agent)

Please complete Section A, B, or C

A. The OLS survey/sketch of survey dated _____	_____
	01/13/2021 mmm/dd/yyyy
has been revised by: <u>JARO A. LEGAT</u>	<u>CUNNINGHAM MC CONNELL LTD.</u>
	(Person or Company Name)

OR

B. The site plan, architect's plan or engineer's plan dated _____	_____
	mmm/dd/yyyy
has been revised by: _____	_____
	(Person or Company Name)

OR

C. The sketch or plot plan** dated _____	_____
	04/01/2024 mmm/dd/yyyy
**Accepted for applications involving variances for Uses only.	
was prepared by: <u>GODFREY BERNARD HYPOLITE</u>	<u>GBH ARCHITECTURAL SERVICES</u>
	(Person or Company Name)

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of:	_____
	04/01/2024 mmm/dd/yyyy

3. The material submitted shows all measurements in metric, as calculated/converted by:	_____
	GBH ARCHITECTURAL SERVICES (Person or Company Name)

4. Should the need arise during application processing for a new OLS survey, the applicant/agent agree to provide the survey as required by Committee or city staff in order to receive a decision on the application.

Signature of Owner/Applicant: <u></u>	_____
	05/10/2024 Date (mmm/dd/yyyy)

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required will result in deferral of the application.

I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

Owner Name TOMASZ KUBIAK

Property Address 475 PINEDALE AVE.
BURLINGTON , ON. L7L 3W3


 Signature of Owner/Applicant

05/10/2024
 Date (mmm/dd/yyyy)

AFFIDAVIT

*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable) Signature of Applicant or Authorized

Agent: _____

I, TOMASZ KUBIAK of the CITY of BURLINGTON in the REGION
(print name) (Region/City/County) (City/Town/Township)

of HALTON solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of Burlington in the Halton Region
(Region/City/County) (City/Town/Township)

this 18th day of July 2024.

Lisa Palermo, Committee Clerk
 The Corporation of the City of
 Burlington, Region of Halton
 A Commissioner of Oaths pursuant
 to s.228(4) of the Municipal Act

Lisa Palermo
 Signature of Commissioner, etc.

Tom Kubiak
 Signature of Applicant or Authorized Agent

PERMISSION TO ENTER

IMPORTANT This MUST be completed for all applications and signed by the OWNER.

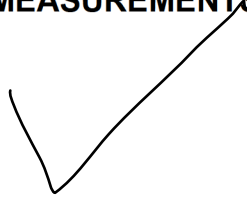
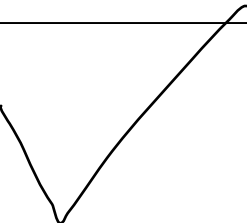
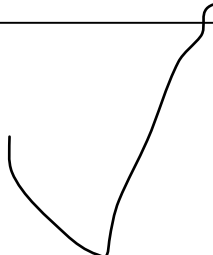
Municipal Address of Subject Lands: 475 PINEDALE AVE., BURLINGTON, ON. L7L 3W3

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Tom Kubiak
 Signature of Owner

TOMASZ KUBIAK
 Print Name

Minor Variance Application Checklist Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	Select (✓)
LEGAL SURVEY (must be prepared and signed and dated by an Ontario Land Surveyor) * For new development, a Proposed Building Plan stamped by an Ontario Land Surveyor or Professional Engineer may be required.	
OR	
DETAILED SITE PLAN (must be prepared and stamped by Professional Engineer, Ontario Land Surveyor or Professional Architect). A legal survey may still be required at the discretion of staff.	
AND	
PLAN and ELEVATION DRAWINGS which include the following as applicable: (Missing details or illegible drawings will be sent back to the applicant for correction)	
SITE PLAN <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Metric Scale <input checked="" type="checkbox"/> North Arrow <input checked="" type="checkbox"/> Frontage <input checked="" type="checkbox"/> Depth <input checked="" type="checkbox"/> Lot Area <input checked="" type="checkbox"/> Lot Coverage <input type="checkbox"/> Deemed Street Line <input checked="" type="checkbox"/> Existing Front Yard Setbacks <input checked="" type="checkbox"/> Existing Rear Yard Setbacks <input checked="" type="checkbox"/> Existing Side Yard Setbacks <input checked="" type="checkbox"/> Existing Street Side Yard Setbacks <input checked="" type="checkbox"/> Existing Porch, Stairs and Overhang Setbacks <input checked="" type="checkbox"/> Proposed Front Yard Setbacks <input checked="" type="checkbox"/> Proposed Rear Yard Setbacks <input checked="" type="checkbox"/> Proposed Side Yard Setbacks <input checked="" type="checkbox"/> Proposed Street Side Yard Setbacks <input checked="" type="checkbox"/> Proposed Porch, Stairs and Overhang Setbacks <input checked="" type="checkbox"/> Streets (Public and Private) <input checked="" type="checkbox"/> Street Names <input type="checkbox"/> Parking (Dimensioned spaces, Driveway Width, Arrangement) <input type="checkbox"/> Railways (Location of them and setbacks to structures) <input type="checkbox"/> All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc) 	

Minor Variance Application Checklist	
Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	
LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES	
<input type="checkbox"/> Setbacks <input type="checkbox"/> Height <input type="checkbox"/> Area <input type="checkbox"/> Length <input type="checkbox"/> Width	
ELEVATIONS	
<input type="checkbox"/> Metric <input type="checkbox"/> Front <input type="checkbox"/> Rear <input type="checkbox"/> Side 1 <input type="checkbox"/> Side 2	
FLOOR PLANS	
<input checked="" type="checkbox"/> Metric <input type="checkbox"/> North Arrow <input type="checkbox"/> Gross Floor Area Calculation <input type="checkbox"/> Ground Floor Area Calculation <input type="checkbox"/> Floor Area Ratio (where applicable)	

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.



Signature of Owner/Agent

01/17/2024

Date (mmm/dd/yyyy)



(905) 335-7629
committeeofadjustment@burlington.ca
FILE NO. 540-02-**A-053/24**
Committee of Adjustment
Mailing Date: September 23rd, 2024

NOTICE OF PUBLIC HEARING

Tomasz Kubiak and Sylwia Kubiak, the owners of 475 Pinedale Ave. Burlington, have applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **475 Pinedale Ave. Burlington** (see map).

The applicant is proposing the construction of a first storey and second storey addition to an existing one-storey dwelling without an attached garage. This proposal results in the following variances:

- 1. To permit lot coverage of 21.3% instead of the maximum permitted 17% for a two-storey dwelling without an attached garage.**

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca/coa** on or after **September 23rd, 2024**.

City Council approved Committee of Adjustment Hearings to be held electronically, with all Committee members, staff, applicants, and delegations participating in the meetings remotely. The Committee of Adjustment will meet virtually to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

WEDNESDAY, OCTOBER 9, 2024,

This application is scheduled to be heard at or after 5:30 pm.

How to participate if I have comments or concerns?

Submit written correspondence

You can send your written comments (photos, plans, etc) regarding the application by e-mail (**preferred**) to **committeeofadjustment@burlington.ca** with the subject line to read "Comments_Your Name_File No._Address of the Property" OR by regular mail addressed to the Secretary-Treasurer noted below. Include your name, address, application number and address of the property for which you are providing comments. **To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.**

City of Burlington Committee of Adjustment - Community Planning
Attn: Erin Shacklette, Secretary-Treasurer
426 Brant Street P.O. Box 5013 Burlington, Ontario, L7R 3Z6
committeeofadjustment@burlington.ca

Participate in the electronic hearing by webinar or telephone:

Pre-register as a delegate by contacting the Secretary-Treasurer noted below by email or telephone no later than 12:00 p.m. (noon) the day before the hearing date. You are encouraged to pre-register as a delegate as soon as possible to facilitate an orderly registration process.

All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance as a backup should any technology issues occur. Pre-registered delegates will be provided with all applicable access codes and instructions to enter the electronic hearing and will also be asked to test their audio/video capabilities prior to the hearing.

Watch or listen to the Committee of Adjustment Hearing:

If you do not wish to participate, but would like to follow along, the hearing will be held live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **4:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing.

For more information about this matter, contact Erin Shacklette at committeeofadjustment@burlington.ca

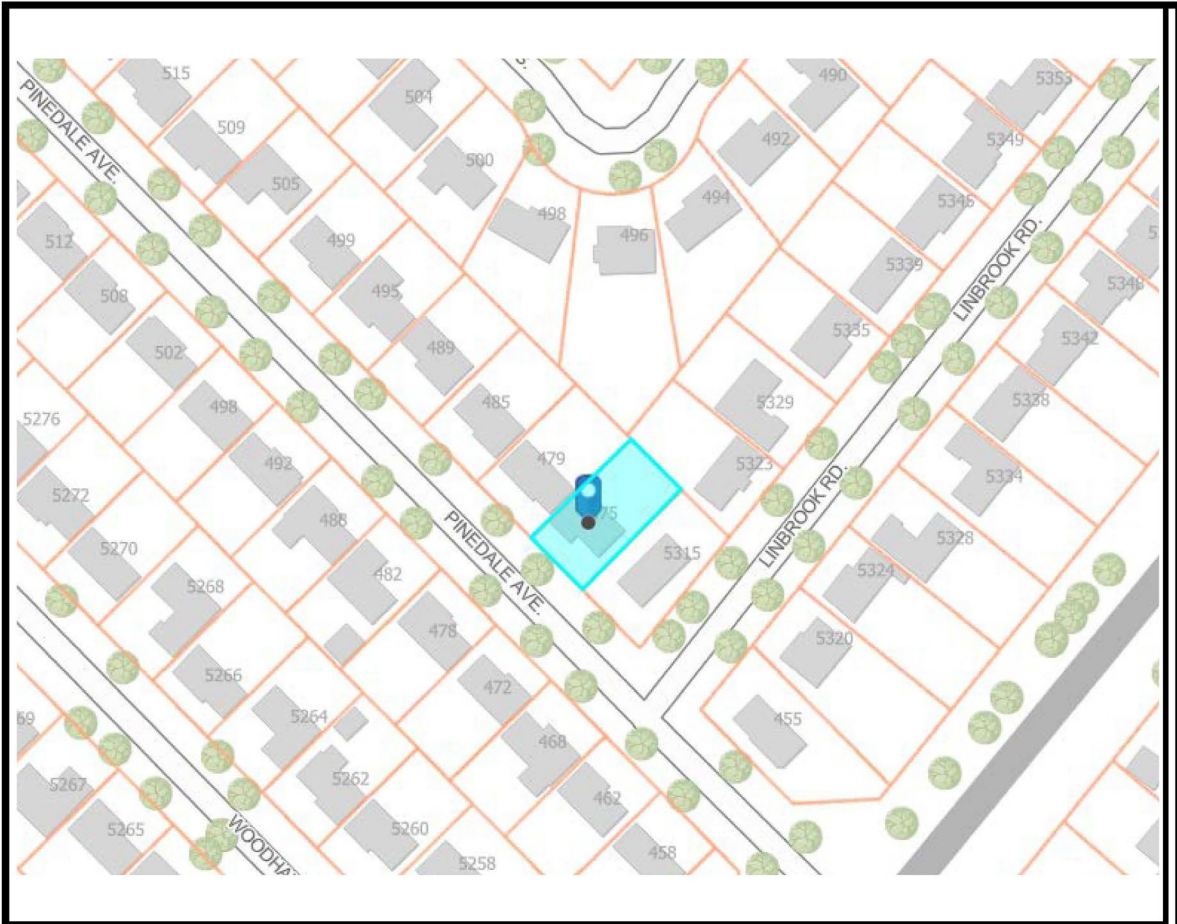
Yours truly,



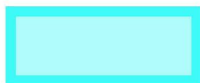
Erin Shacklette
Secretary-Treasurer
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

Key Map



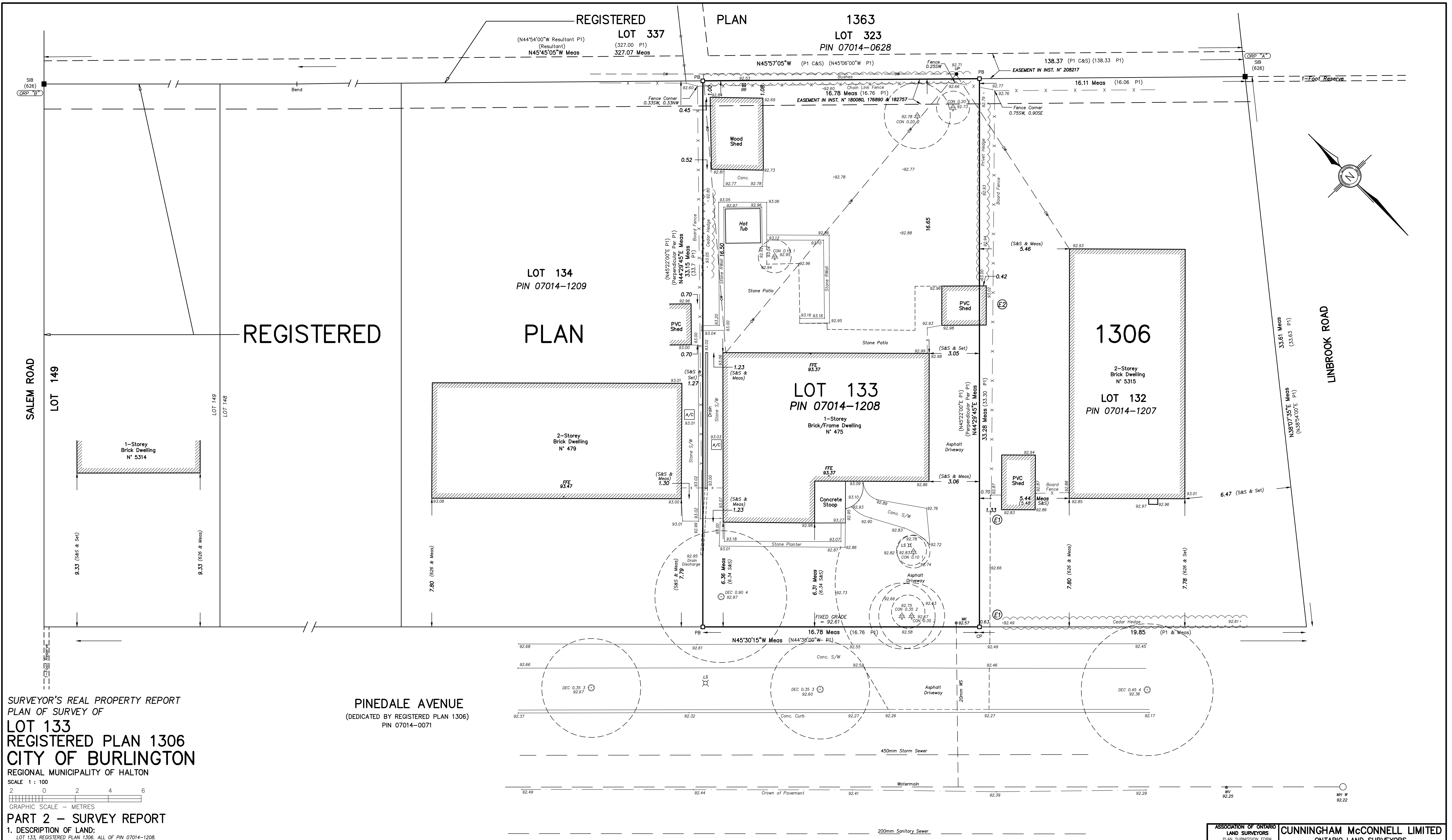
Key Map



475 Pinedale Ave



Committee of Adjustment Community
Planning Department - Planning
Implementation



SURVEYOR'S REAL PROPERTY REPORT
PLAN OF SURVEY OF
LOT 133
REGISTERED PLAN 1306
CITY OF BURLINGTON
 REGIONAL MUNICIPALITY OF HALTON
 SCALE 1 : 100
 GRAPHIC SCALE — METRES

PART 2 — SURVEY REPORT
 1. DESCRIPTION OF LAND:
 LOT 133, REGISTERED PLAN 1306, ALL OF PIN 07014-1208.
 2. REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
 BELL CANADA EASEMENT OVER THE REAR 1.52m AS IN INSTRUMENT 180080.
 PUBLIC UTILITIES OF BURLINGTON EASEMENT OVER THE REAR 1.52m AS IN INSTRUMENTS 176890 AND 182757.
 3. BOUNDARY FEATURES:
 (E1) PART OF ASPHALT DRIVEWAY ON THE SUBJECT LANDS IS EXTENDING INTO THE LANDS ADJOINING TO THE SOUTHEAST.
 (E2) PART OF PVC SHED ON THE SUBJECT LANDS IS EXTENDING INTO THE LANDS ADJOINING TO THE SOUTHEAST.
 4. MUNICIPAL ZONING COMPLIANCE:
 TO BE DETERMINED BY THE ZONING DEPARTMENT OF THE CITY OF BURLINGTON.

BEARING NOTE
 ALL BEARINGS SHOWN HEREON ARE UTM GRID, DERIVED FROM THE GPS OBSERVATIONS AT POINTS "A" AND "B" BEING NAD 83 (CSRS-2010.0), CENTRAL MERIDIAN 81° WEST LONGITUDE, ZONE 17, OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD-83 (CSRS-2010.0). CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10.

POINT N°	NORTHING	EASTING
"A"	4,803,378.71	601,675.28
"B"	4,803,606.86	601,441.06

CO-ORDINATES CAN NOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
 ALL BEARINGS IN COMPARISONS ARE ASTRONOMIC.

DISTANCE NOTE
 DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED INTO GRID DISTANCES BY MULTIPLYING BY SCALE FACTOR OF 0.9997260.
METRIC NOTE
 ALL DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED INTO FEET BY DIVIDING BY 0.3048.
ELEVATION NOTE
 ALL ELEVATIONS SHOWN HEREON ARE GEODETIC AND WERE DERIVED FROM THE CITY OF BURLINGTON BENCHMARK N° 391 HAVING AN ELEVATION OF 91.233m COVD-1928:1978 RE-ADJUSTMENT.

LEGEND:
 ■ DENOTES SURVEY MONUMENT FOUND
 SIB DENOTES SURVEY MONUMENT SET
 CP DENOTES CONCRETE PIN
 PB DENOTES PLASTIC BAR
 P.I.N. DENOTES PROPERTY IDENTIFICATION NUMBER
 (E1) DENOTES ENCROACHMENT REFERENCE
 (E2) DENOTES ENCROACHMENT REFERENCE
 (626) DENOTES H.D. SEWELL O.L.S.
 (950) DENOTES CUNNINGHAM MCCONNELL LIMITED
 (S&S) DENOTES SWELL & SEWELL
 (C&S) DENOTES CALCULATED AND SET
 P-1 DENOTES REGISTERED PLAN 1306

TOPOGRAPHIC LEGEND:
 BB DENOTES BELL BOX
 CON-0.20 DENOTES CONIFEROUS TREE 0.20 DIA
 DEC-0.20 DENOTES DECIDUOUS TREE 0.20 DIA
 CV DENOTES GAS VALVE
 LS DENOTES LIGHT STANDARD (LAMP)
 MH DENOTES MANHOLE
 OHW DENOTES OVER HEAD WIRE(S)
 SAN- DENOTES SANITARY SEWER
 SIM- DENOTES STORM SEWER
 UP DENOTES UTILITY POLE
 UPLS DENOTES UTILITY POLE/LIGHT STANDARD
 WV DENOTES WATER VALVE (KEY)
 W- DENOTES U/G WATER MAIN

UNDERGROUND SERVICES NOTE
 ONLY UNDERGROUND SERVICES VISIBLE ON THE GROUND WERE LOCATED FOR THIS PLAN.
 THE USER OF THIS PLAN SHALL CONTACT THE LOCAL UTILITY COMPANIES FOR LOCATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS.

CLIENT'S NOTE
 THIS REPORT WAS PREPARED FOR SYLVIA AND TOMASZ KUBIAK AND THEIR SOLICITOR(S), MORTGAGEE(S) AND (OR) AGENT(S) AGENT(S) AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON JANUARY 13, 2021.
 DATE: JANUARY 13, 2021
 JARO A. LEGAT, M.Sc.
 ONTARIO LAND SURVEYOR

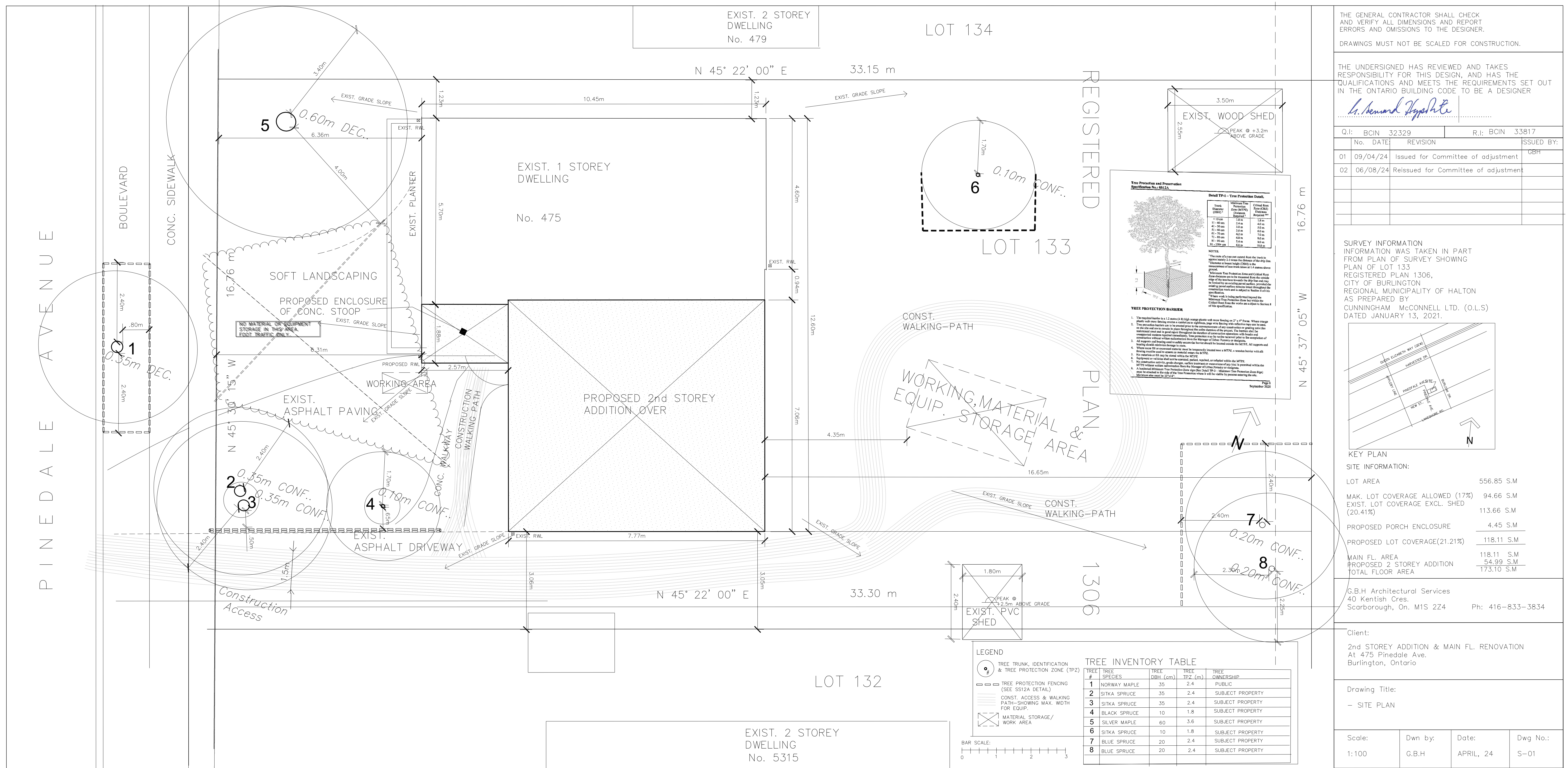
ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
2137666

CUNNINGHAM MCCONNELL LIMITED
 ONTARIO LAND SURVEYORS
 1200 SPEERS ROAD, UNIT 38
 OAKVILLE, ONTARIO L6L 2X4
 PHONE (905) 845-3497
 FAX (905) 845-3519
 E-mail: info@cmisurveyors.ca

205 MAIN STREET
 MILTON, ONTARIO L9T 1N7
 PHONE (905) 878-7810
 FAX (905) 878-6672
 E-mail: cm@primus.ca

PLAN 141-20-1

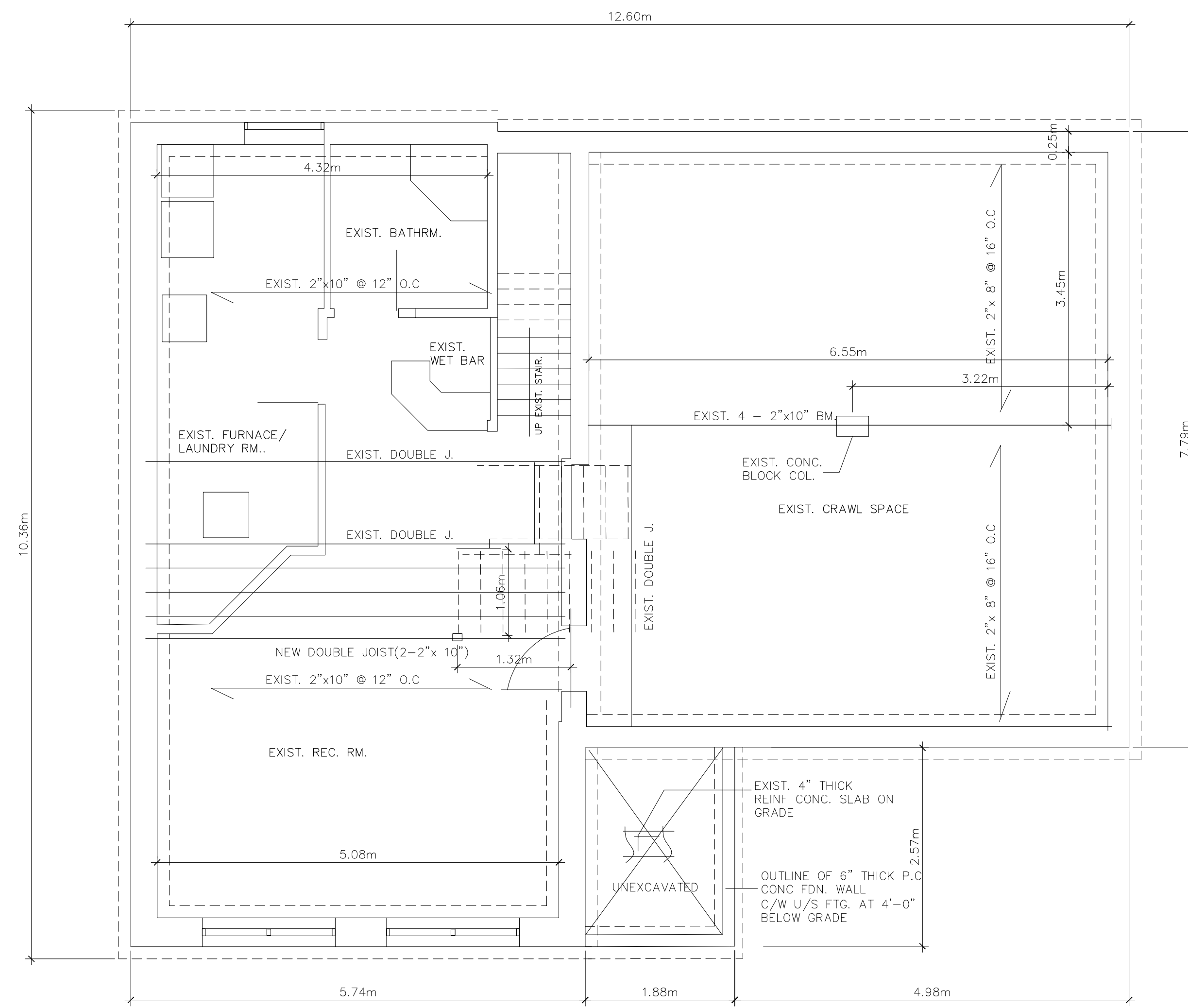
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 23(3).
 NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF CUNNINGHAM MCCONNELL LIMITED.



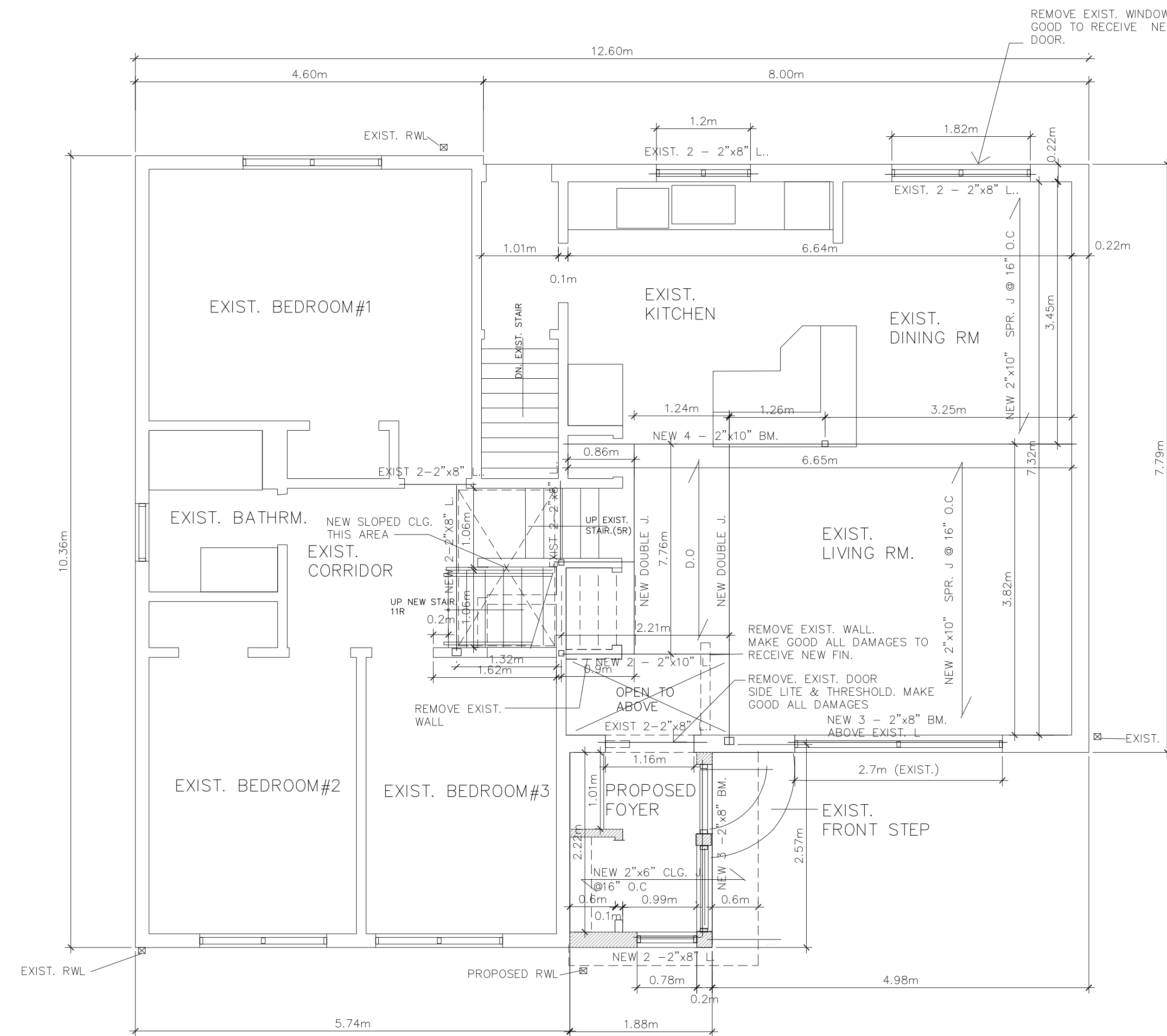
Copy Right Act Applies to Use and Production

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ERRORS AND OMISSIONS TO THE DESIGNER.

DRAWINGS MUST NOT BE SCALED FOR CONSTRUCTION.



EXIST BSMT/ FOUNDATION PLAN



EXIST. MAIN/SIDE SPLIT FLOOR PLAN

No.	DATE:	REVISION	ISSUED BY:
01	09/04/24	Issued Committee of Adjustment	GBH
02	07/08/24	Reissued Committee of Adjustment	

EXISTING WALL
PROPOSED WALL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

L. Leonard Hypolite

Q.I: BCIN 32329 R.I: BCIN 33817

G.B.H Architectural Services
40 Kentish Cres.
Scarborough, On. M1S 2Z4 Ph: 416-833-3834

Client:
SECOND STOREY ADDITION & MAIN FL. RENOVATION
At 475 Pinedale Ave.
Burlington, Ontario

Drawing Title:
- EXIST. BASEMENT PLAN
- EXIST. MAIN FL. PLAN

Scale: 1:100
Dwn by: G.B.H
Date: APRIL, 24
Dwg No.: A-01

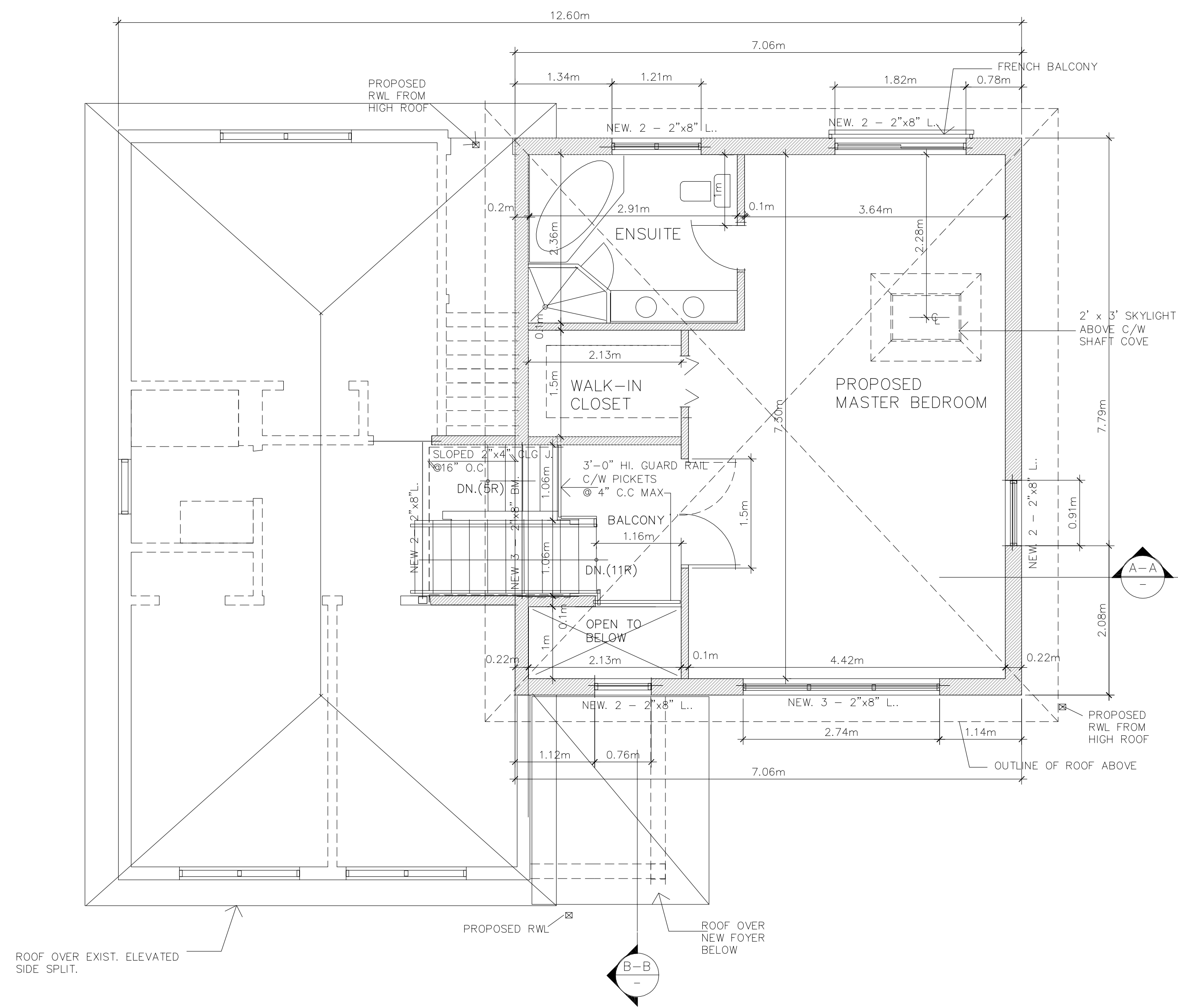
Copy Right Act Applies to Use and Production

Copy Right Act Applies to Use and Production

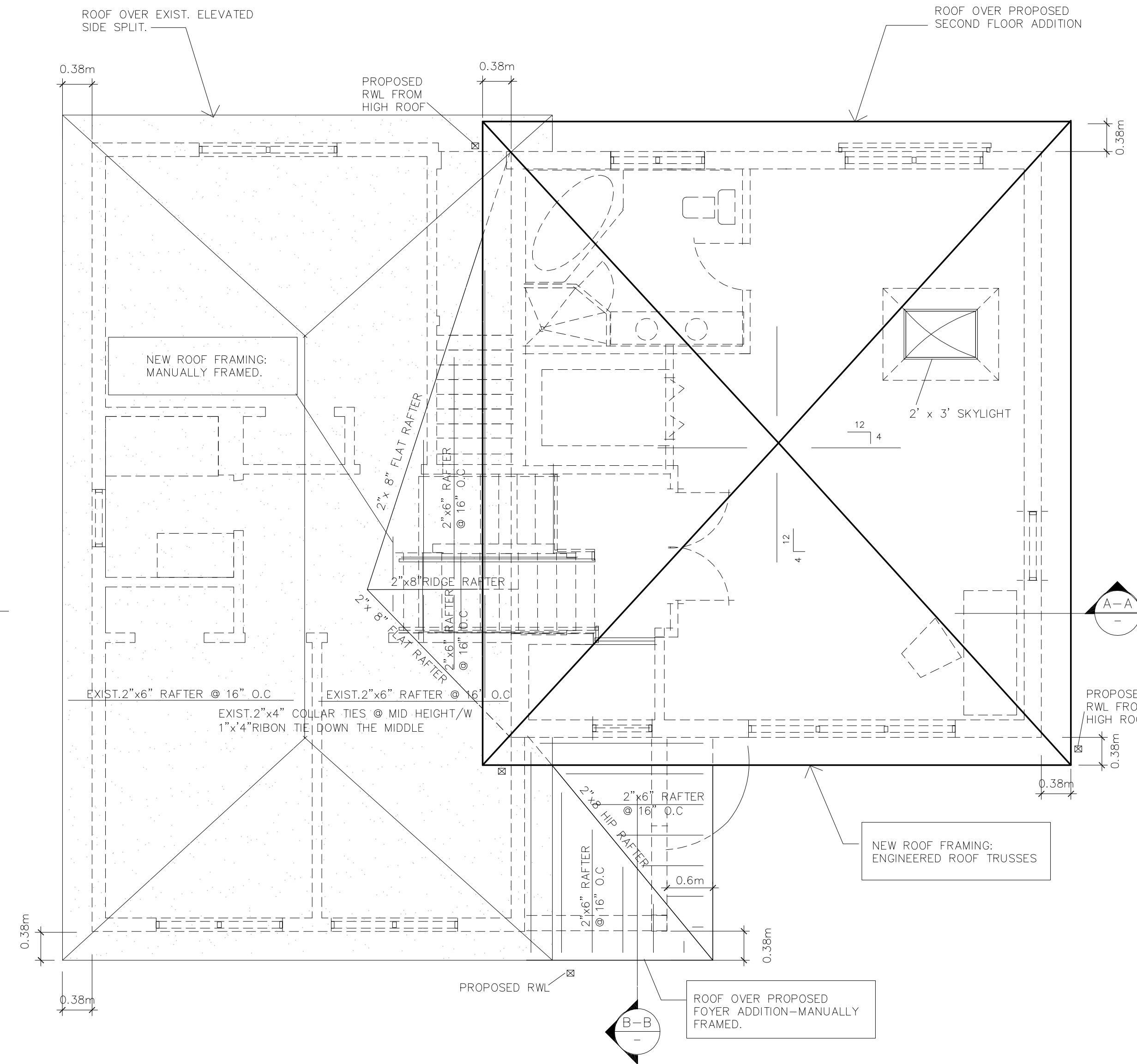
THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ERRORS AND OMISSIONS TO THE DESIGNER.

DRAWINGS MUST NOT BE SCALED FOR CONSTRUCTION.

No.	DATE:	REVISION	ISSUED BY:
01	09/04/24	Issued Committee of Adjustment	GBH
02	07/08/24	Reissued Committee of Adjustment	



PROPOSED SECOND FLOOR PLAN



PROPOSED ROOF PLAN

DESIGN L.L.
 $S_s=1.2 \text{ KPa}$; $S_r=0.4 \text{ KPa}$
 SPECIFIED L.L. = 1.1 KPa

REFER TO THE ARTICLES OF O.B.C
 9.23.13.11 FOR WOOD ROOF TRUSSES.

TRUSS DESIGN NOTE:
 ROOF TRUSSES WHICH ARE NOT DESIGNED IN ACCORDANCE WITH PART 4 SHALL
 1.) BE CAPABLE OF SUPPORTING A TOTAL CEILING LOAD (DEAD LOAD + LIVE LOAD OF 0.35 KPa , PLUS $2 \frac{1}{3}$ TIMES THE SPECIFIED LIVE LOAD FOR 24 HRS., AND
 2.) SHALL NOT EXCEED THE DEFLECTIONS SHOWN IN TABLE 9.23.13.11 WHEN LOADED WITH THE CEILING LOAD + $1 \frac{1}{3}$ TIMES THE SPECIFIED ROOF SNOW LOAD FOR 1HR (9.23.13.11 (1)) - FOR TRUSSES.
 ALL GIRDER TRUSSES SHALL BE MIN. 3 PLYS AND BE SUPPORTED BY COLUMNS WITH MIN. EQUAL WIDTH PER O.B.C 9.17.4.1

--- EXISTING WALL
 ■ PROPOSED WALL

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

G. Bernard Hypolite

Q.I: BCIN 32329 R.I: BCIN 33817

G.B.H Architectural Services
 40 Kentish Cres.
 Scarborough, On. M1S 2Z4 Ph: 416-833-3834

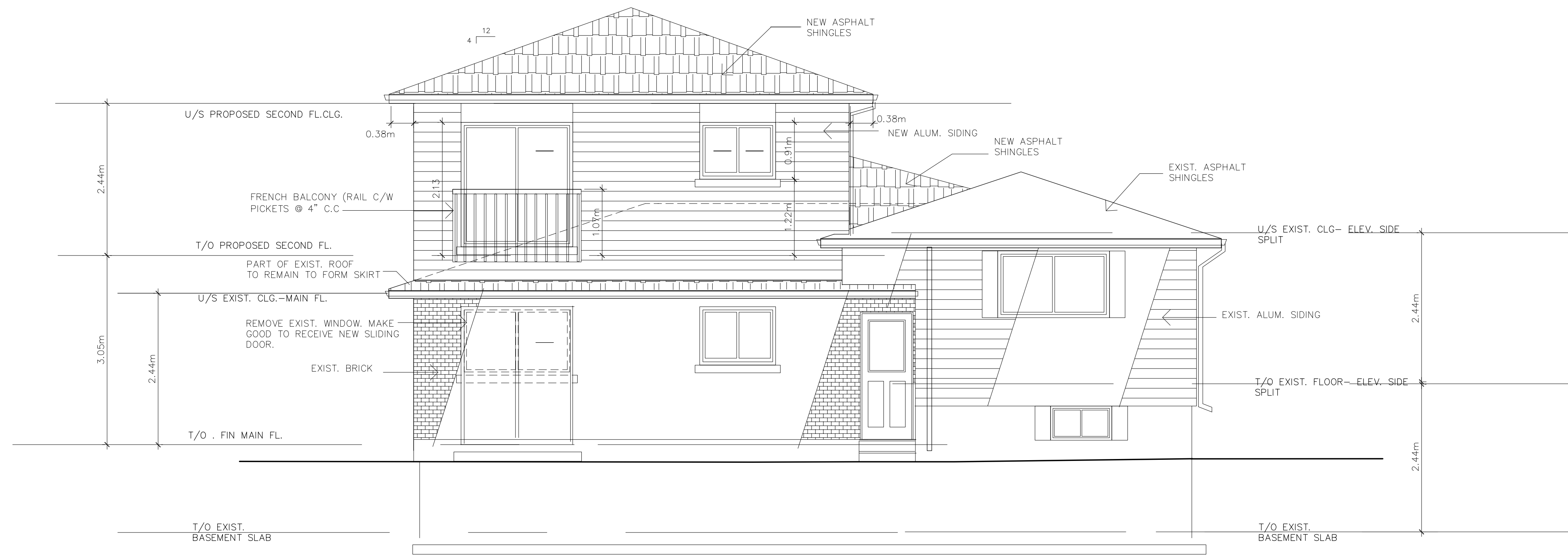
Client:
 SECOND STOREY ADDITION & MAIN FL. RENOVATION
 At 475 Pinedale Ave.
 Burlington, Ontario

Drawing Title:
 - PROPOSED SECOND FL. PLAN
 - PROPOSED ROOF PLAN

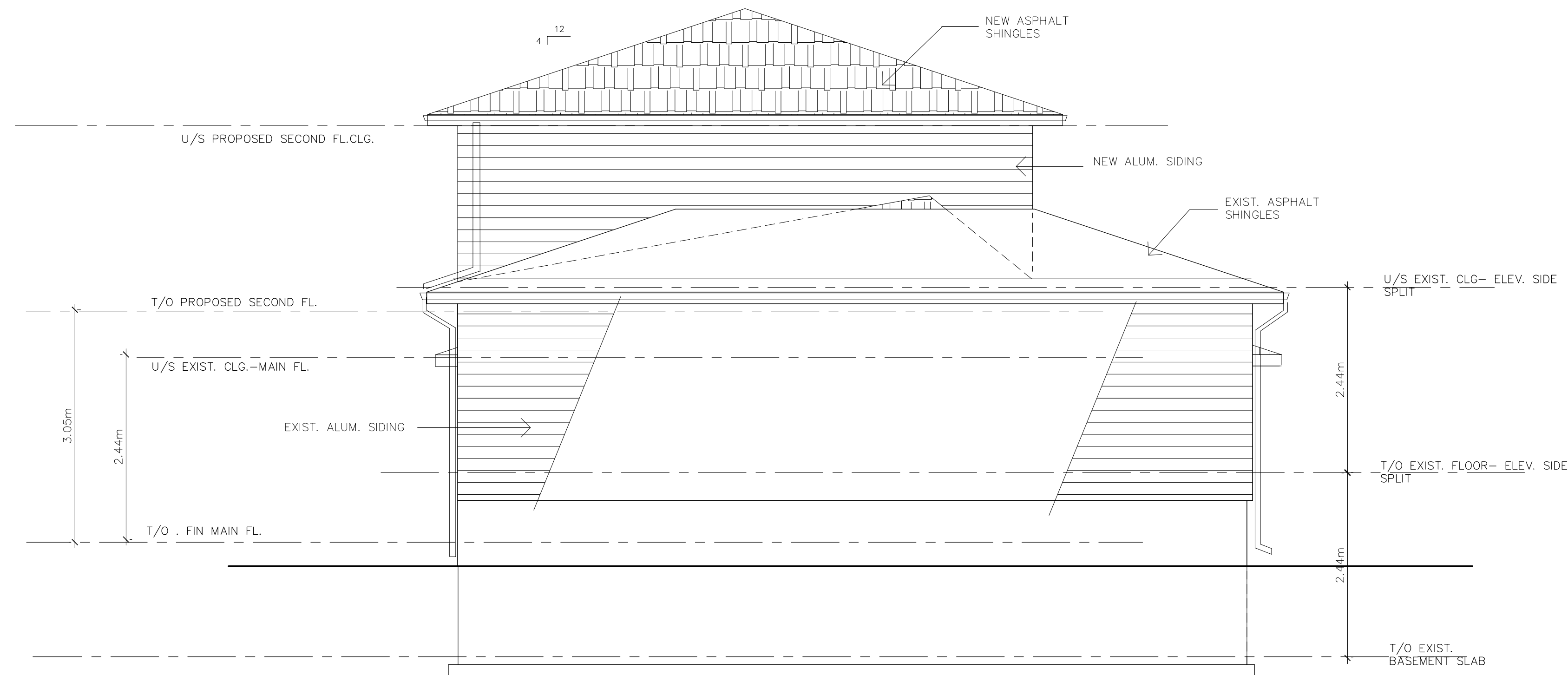
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Copy Right Act Applies to Use and Production



EAST ELEVATION



NORTH ELEVATION

Copy Right Act Applies to Use and Production

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ERRORS AND OMISSIONS TO THE DESIGNER.

DRAWINGS MUST NOT BE SCALED FOR CONSTRUCTION.

No.	DATE:	REVISION	ISSUED BY:
01	09/04/24	Issued Committee of Adjustment	GBH
02	07/08/24	Reissued Committee of Adjustment	

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

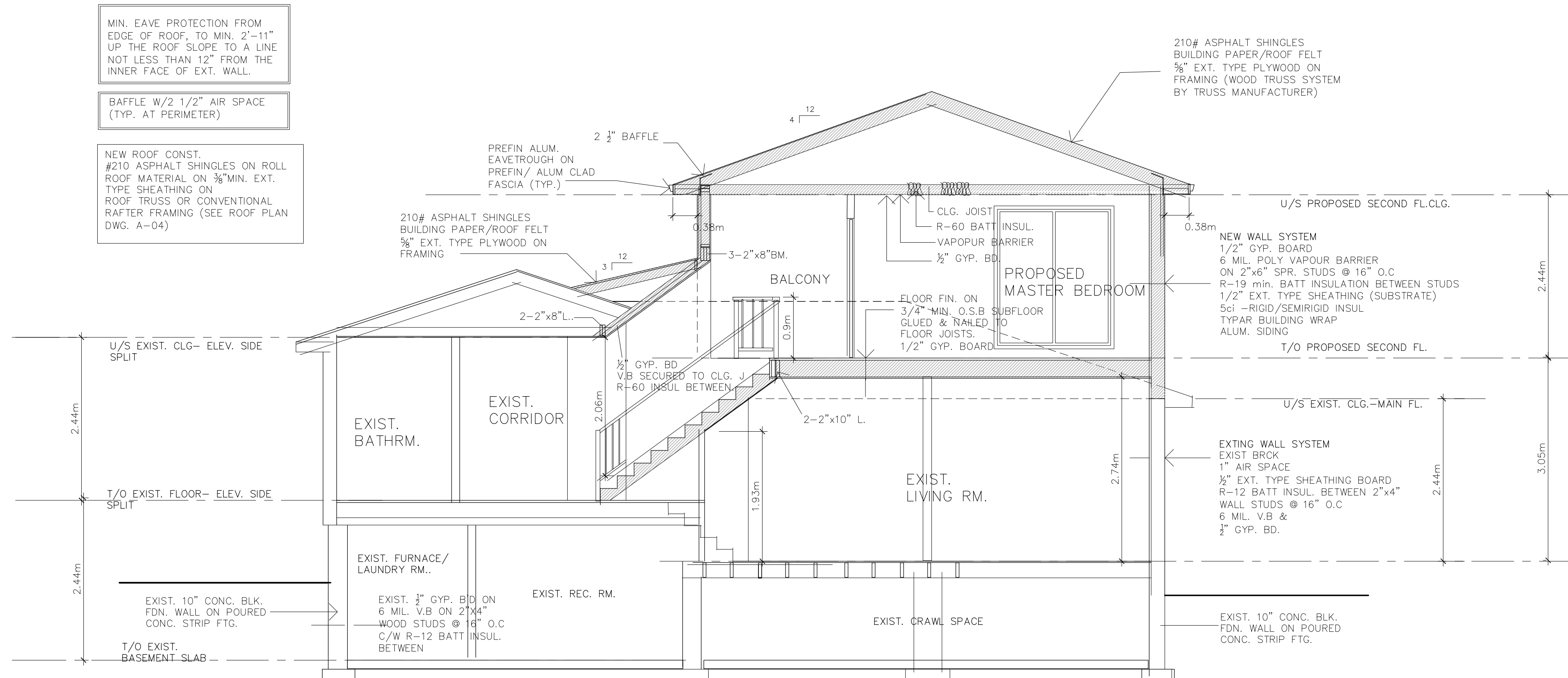
G. Bernard Hopshite

Q.I: BCIN 32329 R.I:
 G.B.H Architectural Services
 40 Kentish Cres.
 Scarborough, On. M1S 2Z4 Ph: 416-833-3834

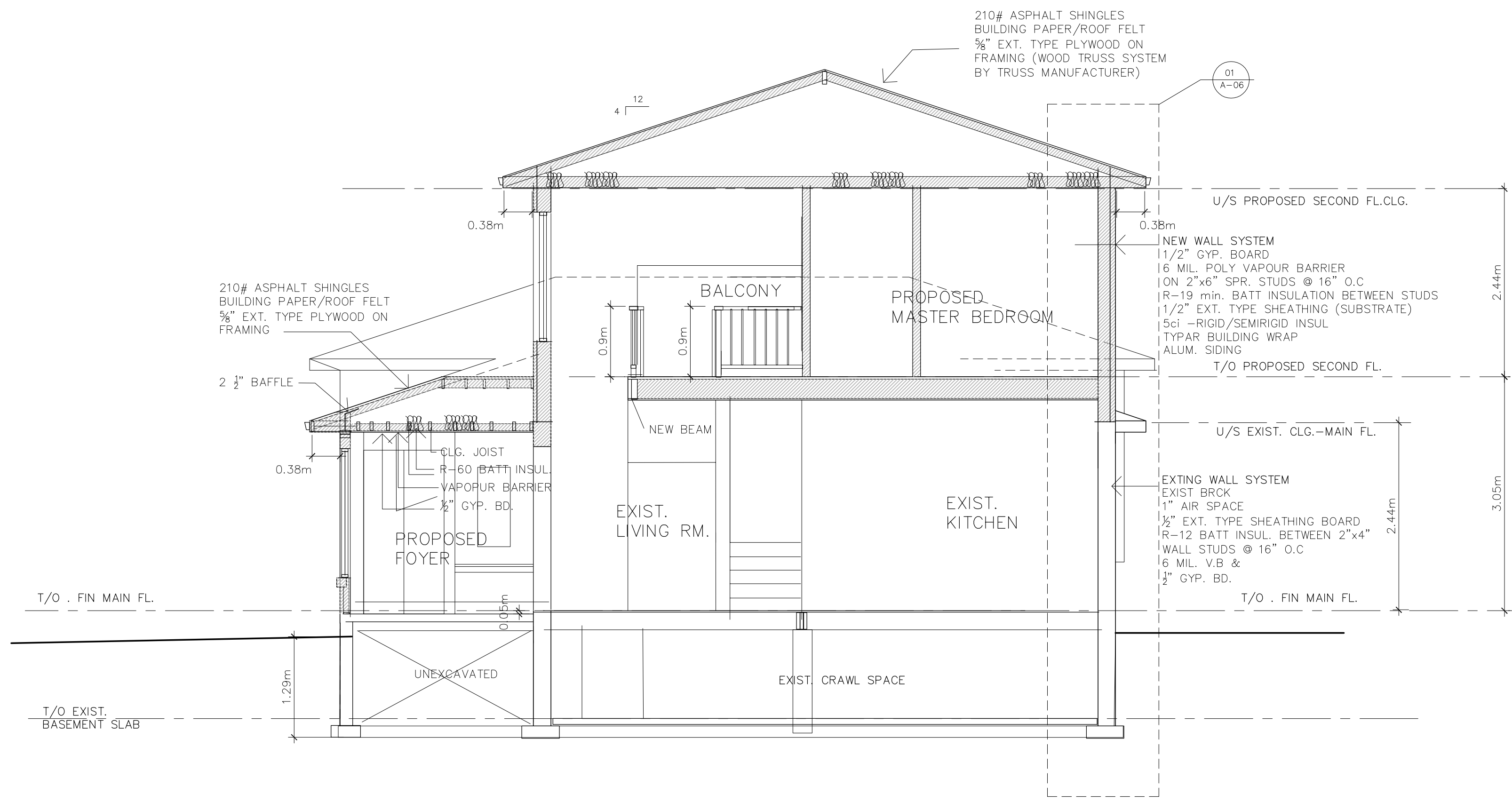
Client:
 SECOND STOREY ADDITION & MAIN FL. RENOVATION
 At 475 Pinedale Ave.
 Burlington, Ontario

Drawing Title:
 - NORTH ELEVATION
 - EAST ELEVATION

Scale:	Dwn by:	Date:	Dwg No.:
1:100	G.B.H	APRIL, 24	A-04



CROSS SECTION 'A-A'



CROSS SECTION 'B-B'

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ERRORS AND OMISSIONS TO THE DESIGNER.

DRAWINGS MUST NOT BE SCALED FOR CONSTRUCTION.

No.	DATE:	REVISION	ISSUED BY:
01	09/04/24	Issued Committee of Adjustment	GBH
02	07/08/24	Reissued Committee of Adjustment	

EXISTING CONSTRUCTION
PROPOSED CONSTRUCTION

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

L. Leonard Dypshite

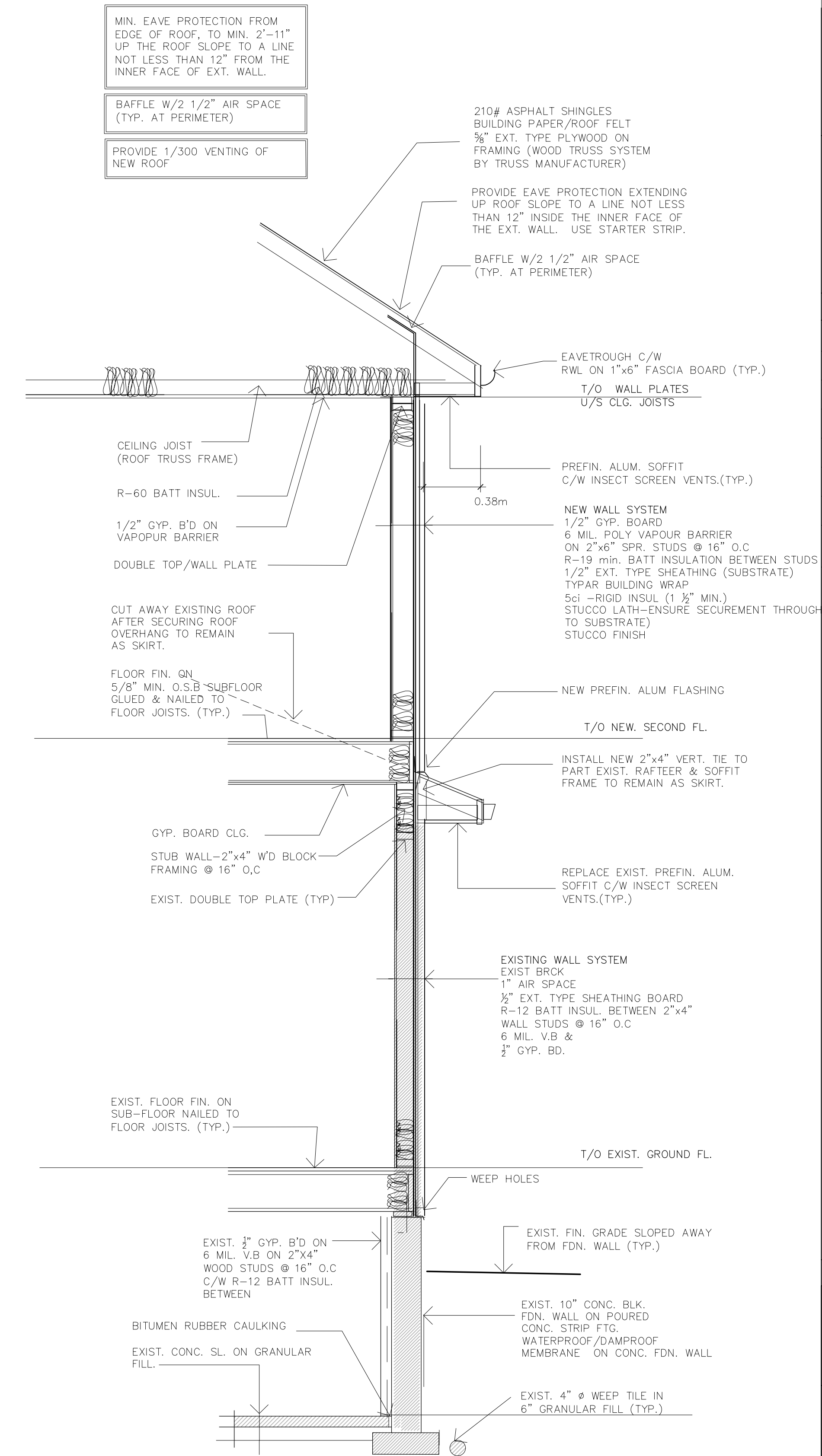
Q.I: BCIN 32329 R.I: BCIN 33817
G.B.H Architectural Services
40 Kentish Cres.
Scarborough, On. M1S 2Z4 Ph: 416-833-3834

Client:
SECOND STOREY ADDITION & MAIN FL. RENOVATION
At 475 Pinedale Ave.
Burlington, Ontario

Drawing Title:
- CROSS SECTION 'A-A'
- CROSS SECTION 'B-B'

Scale:	Dwn by:	Date:	Dwg No.:
1:100	G.B.H	APRIL, 24	A-05

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MIN. EAVE PROTECTION FROM EDGE OF ROOF, TO MIN. 2'-11" UP THE ROOF SLOPE TO A LINE NOT LESS THAN 12" FROM THE INNER FACE OF EXT. WALL.

BAFFLE W/2 1/2" AIR SPACE (TYP. AT PERIMETER)

PROVIDE 1/300 VENTING OF NEW ROOF

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ERRORS AND OMISSIONS TO THE DESIGNER.

DRAWINGS MUST NOT BE SCALED FOR CONSTRUCTION.

No.	DATE:	REVISION	ISSUED BY:
01	09/04/24	Issued Committee of Adjustment	GBH
02	07/08/24	Reissued Committee of Adjustment	

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

L. Leonard Dypshite

Q.I: BCIN 32329 R.I: BCIN 33817

G.B.H Architectural Services
40 Kentish Cres.
Scarborough, On. M1S 2Z4 Ph: 416-833-3834

Client:
SECOND STOREY ADDITION & MAIN FL. RENOVATION
At 475 Pinedale Ave.
Burlington, Ontario

Drawing Title:
- WALL SECTION

Scale: 1:50	Dwn by: G.B.H	Date: APRIL, 24	Dwg No.: A-06
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Copy Right Act Applies to Use and Production

WALL SECTION 01
SCALE: 1/2" = 1'-0"

COMMITTEE OF ADJUSTMENT

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HEARING NO. 4.2 - 5:30 P.M.

File
540-02-A-054/24

- APPLICANT: Jesse McClure and Jhoanna Reyes
- PROPERTY: 4052 Melba Lane,
City of Burlington - Regional Municipality of Halton.
- PROPOSAL: The applicant is proposing the construction of a one storey attached garage and covered porch addition to existing one-storey single detached dwelling.
- VARIANCES:
1. To permit a front yard of 10 m instead of the minimum required 11 m for a proposed attached garage addition.
 2. To permit an east side yard of 2.1 m instead of the minimum required 2.319 m for a proposed attached garage addition.
 3. To permit a front yard of 7.8 m instead of the minimum required 10.35m (11 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.

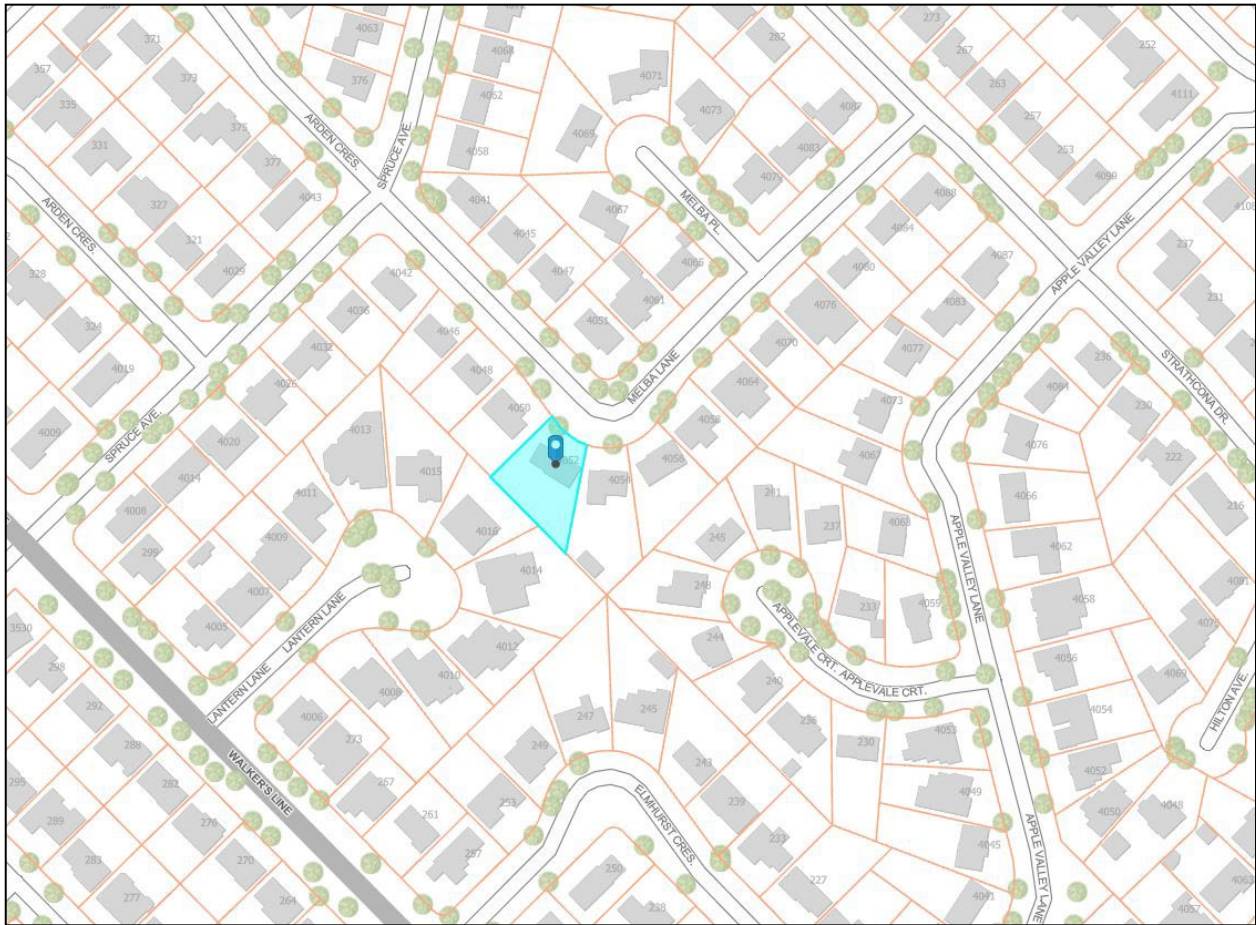
COMMITTEE OF ADJUSTMENT

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Owner(s): Jesse McClure and Jhoanna Reyes
Address: 4052 Melba Lane Burlington
File No. **A-054/24**
Ward: 4



Staff Comments

Committee of Adjustment

There are no previous land division or minor variance applications on record for this property.

Date: July 19, 2024

Prepared By: E. Shacklette

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Zoning

1) Background information:

The subject property is zoned **R2.1**, Low Density Residential, under Zoning By-Law 2020, as amended, and is located in the designated area for lot coverage and floor area ratio. The **R2.1** zone requires, among other things, the following:

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m	10 m	(a)	4.5 m

Footnotes to Table 2.4.1

(c) With attached garage or carport: **10% of actual lot width (23.19 m x 10% = 2.319 m)**

2.13 ENCROACHMENT INTO YARDS

2.13.1 Every part of a required yard shall be unobstructed with respect to the following encroachments:

(c) The following obstructions may project **65 cm maximum into a required yard**:

A roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter

A terrace or unroofed porch

A carport

2) Proposal:

The applicant is proposing the construction of a one storey attached garage and covered porch addition to existing one-storey single detached dwelling.

3) Variances required:

1. To permit a front yard of 10 m instead of the minimum required 11 m for a proposed attached garage addition.
2. To permit an east side yard of 2.1 m instead of the minimum required 2.319 m for a proposed attached garage addition.

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3. To permit a front yard of 7.8 m instead of the minimum required 10.35m (11 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.

4) **Condition:**

1. A Pre-Building Approval Application is required.

5) **Notes:**

1. Variances have been identified based on the plans submitted for zoning review. If additional variances are identified when a Pre-Building Approval Application is made, they will be the responsibility of the applicant to obtain.

2. The variances are being reviewed under 45(1) of the *Planning Act*.

Date: 15 August 2024

Prepared By: Erin Ruby

Site Planning

A minor variance application has been submitted to the City of Burlington to facilitate the construction of garage and porch additions. A 78.27 m² one-storey rear addition is also indicated on the plans with a notation stating that it is part of a “separate application”. The separate application is a building permit, which was issued on September 9, 2024 (Ref. 24 015595 00 SO). The one-storey rear addition has been factored into the zoning review for this application and there are no minor variances associated with it. The applicant requests approval from the Committee of Adjustment to permit reduced front and side yard setbacks, and a reduced front yard setback for a roofed-over porch:

1. To permit a front yard of 10 m instead of the minimum required 11 m for a proposed attached garage addition.
2. To permit an east side yard of 2.1 m instead of the minimum required 2.319 m for a proposed attached garage addition.
3. To permit a front yard of 7.8 m instead of the minimum required 10.35m (11 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.

The subject lands comprise a pie-shaped lot with a total area of 1030.3 m² (0.1 hectares) with an approximate lot frontage of 23.19 metres along Melba Lane. The lands are located on the west side of Melba Lane, between Walker’s Line and Strathcona Drive, south of Spruce Avenue, and are known municipally as 4052 Melba Lane. The subject property is situated at the bend of Melba Lane, within a well-

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established residential neighbourhood. Adjacent and surrounding land uses include low-density residential land uses to the north, south, east and west that are characterized by one and two-storey detached dwellings.

Existing land uses on the property include a one-storey 107.22 m² detached dwelling with a carport that will be enclosed on the east side with a new garage wall under the existing roof. Access to the property is provided via a single asphalt driveway from Melba Lane. Off-street parking is available on the driveway and in the carport. No additional entrances or significant changes to access are contemplated by the application.

The proposal garage will be 24.96 m², under the existing roof while the proposed front porch will be 1.53 m deep by 3.06 m wide and located over the front entrance.

The area subject to the proposed development features a level front yard with mature deciduous trees in the front and back providing shade and a grassed rear yard. The rear yard is bordered by a wooden privacy fence along the southeast side that visually and physically separates the property from the adjacent residential use to the southeast. The garage addition is proposed on the east side of the house. The remainder of the rear yard has chain-link fencing and dense shrubbery along the perimeter. The property benefits from its mature vegetation, which contributes to the privacy and aesthetic appeal of the lot. A site visit was conducted on September 3, 2024, and existing on-site conditions are summarized in site photos included in Attachment No. 1 (Site Photos).

A site & grading plan, (as prepared July 4, 2024—Revision 1), submitted with the application, illustrates the extent and location of existing and proposed development. A copy of the site plan is included as an attachment in a later section of this report.

Building elevations and floor plans (as prepared July 17, 2024—Issued for CofA), as submitted with the application, are included as an attachment in a later section of this report. The proposed exterior design and material finishes are noted on the elevations.

1) City of Burlington Official Plan 1997 & 2020:

Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?

Yes

On April 2, 2024, the Ontario Land Tribunal issued a decision granting the City's motion for partial approval of the Burlington Official Plan, 2020 (BOP, 2020). This decision brought the "Residential Neighbourhood Areas" policies under "Chapter 8- Land use policies" into force. These policies supersede the "Residential Areas" policies of the Burlington Official Plan, 1997 (OP, 1997). However, other chapters of BOP, 2020 relevant to the application, such as Chapter 7- Design Excellence, remain under appeal

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so the application has been reviewed against a combination of in-force policies under both Official Plans.

The subject lands are designated 'Residential – Low Density' according to Schedule 'C' (Land Use - Urban Area) of the BOP, 2020, as amended.

Section 8.3.3 (1) (Residential Neighbourhood Area Policies) of the BOP, 2020, states that among the permitted uses within the 'Residential Low Density' designation are single detached housing units (with a maximum permitted residential density of 25 units per hectare). The proposed is a permitted use and the proposed minor variance does not impact the density.

The general intent and purpose of the BOP, 2020 is to encourage new residential development, including new structures, in residential neighbourhood areas while recognizing that the form of development must be balanced with other considerations like compatibility and integration within existing residential neighbourhoods.

The term 'compatible' does not mean the 'same as' in either OP, 1997 or BOP, 2020. BOP, 2020 Chapter 13- Definitions, which is not in-force and currently under appeal defines compatible or compatibility as "development which may not necessarily be the same as or similar to existing or planned development in the vicinity, but nonetheless can co-exist without causing adverse impacts to the surrounding area".

To interpret definitions in the BOP, 2020, staff are using OP, 1997, Part VIII- Definitions, which is in force. The OP, 1997 definition of compatibility defines it as development that is "... capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health".

According to this definition, compatibility is to be evaluated in accordance with measurable/objective standards such as "aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals.

Part II, Section 6.0 (Design) of OP, 1997 provides policy guidance on the review of development applications as they relate to design principles and objectives. Included among these are policies related to compatibility.

Part II, Section 6.2.c) (Design Objectives) of OP, 1997 aims to ensure that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character. The plan also aims to ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression (6.2.f)).

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Part II, Section 6.5.a) (Design Guideline Policies) of the City's Official Plan states that 'the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.'

The proposal for a new garage wall in place of the old carport columns, while preserving the existing roof, and a new flat-roofed porch meets the general intent and purpose of the Official Plan. The OP emphasizes compatibility and integration within existing neighbourhoods without requiring uniformity. The garage wall, replacing the old carport columns, does not disrupt the visual coherence of the neighbourhood, as it is built within the existing footprint and preserves the roofline, thus maintaining a sense of continuity. The scale of the garage, which is built to match the footprint of the existing carport, preserves the functional and aesthetic relationship with adjacent properties. The proposed side yard setback variance of 2.12m, which slightly reduces the distance from the property line to the new garage wall by 0.2m or 8.6%, maintains adequate separation for privacy, light access, and drainage. Planning, engineering and forestry staff have all reviewed the proposal and found that the design does not create an undue physical or functional impact on neighbouring properties, aligning with the OP's goal of harmonious co-existence.

The front yard and porch projection variances meet the intent of the OP by enhancing the dwelling's architectural character without overwhelming the streetscape. The finishes of the new garage enclosure continue the materiality of existing dwelling (masonry, siding). The porch projection visually emphasizes the door at ground level, providing a welcoming entrance that improves the property's relationship with the street. The setback reductions facilitate a porch that adds weather protection and architectural interest to main entrance and facilitates a garage enclosure that is well integrated in terms of materials and design with the rest of the façade, while still preserving enough space for landscaping, pedestrian movement and parking. This is consistent with the OP's policy to ensure new development enhances the existing neighbourhood character, integrating well with the established streetscape.

In staff's opinion, the general intent and purpose of the Official Plan is met.

2) City of Burlington Zoning By-law 2020:

Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?

Yes – Variances No. 1 & 3 (Front Yard Setback, Porch Setback)

The intent of the zone provision related to the minimum required front yard setback is to ensure that adequate sodding/landscaping and access/parking is being provided, consistent with the neighbourhood development pattern.

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The proposed variance for the front yard setback maintains the general intent and purpose of the Zoning By-law. The proposed reduction in the front yard setback from 11 m to 10 m for the garage does not change the amount of space for sodding and landscaping, since the garage is built within the footprint of the current carport. The setback does not reduce the size of the front yard, or alter the streetscape, which is characterized by large front yards. Additionally, the reduced setback does not compromise the functionality of access or parking, as driveway size will remain the same, ensuring that the development remains consistent with the established neighbourhood pattern. The property is at a bend of Melba Lane, where street frontages become convex for the abutting properties including the subject property. The convex shape of the front yards reduces the front yard for not just the subject property but also for 4050, 4056 and 4058 Melba Lane down to approximately 7.5 m, 7.1 m and 7.7 m respectively. The existing relationship of the subject dwelling to the street will remain the same, save and except a new exterior garage wall under the existing roof projection, currently spanning over the carport. The abutting new dwelling at 4054 Melba Lane, currently under construction, appears to conform to the front yard setback. This demonstrates that the proposed variance aligns with the character of the surrounding area.

The proposed variance for the porch setback, reducing it from 10.35 m to 7.8 m, also aligns with the general intent and purpose of the Zoning By-law. The intent of this provision is to ensure that front porches do not dominate the streetscape and that sufficient space is left for landscaping and pedestrian movement. The new flat roofed porch projects 0.91 m from the front wall and is 3.06 m wide, spanning only over the main entrance and providing protection from the elements. The majority of porches in the vicinity are integrated within the main volume of the dwelling and/or its projecting roof. In the case of the subject property, the flat roofed porch is projecting from the main wall and is similarly affected by the road bend and convex shape of the front lot line. The porch protrusion remains compatible with the neighborhood, as the reduced setback allows the porch to serve as a welcoming feature without overwhelming the front façade. Additionally, the porch design contributes to the architectural interest of the dwelling while maintaining a harmonious relationship with neighboring properties, similar to the nearby projecting porches at 4064 and 4076 Melba Lane. These two examples are noted because they are part of the existing context, and illustrate how the proposed porch strengthens the existing neighbourhood character.

The variances are minor and continue to uphold the Zoning By-law's objectives of balancing built form with natural and open spaces.

Yes – Variance No. 2 (Side Yard Setback to the garage)

The intent of the Zoning By-law side yard provisions is to create adequate spatial separation between neighbors, ensuring privacy, light access, and proper drainage in line with the neighborhood development pattern. The proposed side yard setback of 2.1 m for the garage wall, slightly reduced from the required 2.319 m, still provides sufficient

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separation to achieve these objectives. The pie shaped lots, similar to the subject lot, located at the bend of the road, create pinch points along the sides for the corners of the dwellings (e.g. 4056 Melba Lane). The existing pinch point at the subject property will maintain its existing relationship to the side due to the preservation of the existing roof, save and except the new exterior garage wall infill underneath it. The minimal reduction is consistent with the existing spatial relationships in the area and does not compromise the intent of maintaining a balanced, functional, and aesthetically pleasing neighbourhood layout. Thus, the proposal is respectful of the neighbourhood development pattern.

3) Desirability:

Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?

Yes

The proposed minor variances are desirable for the appropriate development or use of the land, building, or structure. The front yard and porch setbacks maintain a functional and visually appealing streetscape, integrating well with the surrounding properties that also exhibit variations in setbacks due to the road's curvature. The porch design adds architectural interest without overwhelming the dwelling's façade.

The side yard setback, though slightly reduced, ensures that sufficient space remains for privacy, light access, and drainage, maintaining the balance between neighbouring properties. The proposed changes enhance the overall function and aesthetics of the property, ensuring compatibility with the existing neighbourhood character while improving the dwelling's usability and upgrading its design and functionality. Thus, the variances collectively allow for a development that respects the neighbourhood's development pattern.

Development Engineering and Urban Forestry & Landscape staff have reviewed the application and have indicated no objection to the requested variance.

4) Minor in Nature:

Is the proposed minor variance(s) from the zoning by-law considered minor in nature?

Yes

The adjustments to the front yard, side yard, and porch setbacks are modest changes that do not significantly alter the character or functionality of the property or the surrounding neighbourhood. These variances do not result in any substantial negative impacts on adjacent properties, and the overall scale and massing of the proposed

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dwelling remains consistent with the local development pattern. The variances support a design that is compatible with the neighbourhood, ensuring that the development integrates well with its surroundings while allowing for continued residential use of the property.

In consideration of the above, it is staff's opinion that the requested minor variances to the City of Burlington Zoning By-law 2020 are minor.

Cumulative Effects of Multiple Variances and Other Planning Matters:

The cumulative effect of the proposed variances is minimal and does not result in overbuilding or a development that is incompatible with the neighbourhood character. The garage wall maintains the streetscape setback, with a limited porch protrusion, while the side yard setbacks ensure appropriate spatial separation between properties. Together, these variances allow for a well-designed, functional, and visually compatible dwelling that integrates with the existing built form, without adversely affecting the surrounding area in terms of massing, privacy, or aesthetics. The overall impact remains consistent with the neighbourhood's established development pattern.

Recommendation:

Staff has reviewed the subject application in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the requested variances.

Date: September 11, 2024,Prepared By: Melissa Gasic

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Report Schedules & Attachments:

Attachment No. 1 (Site Photos – September 3, 2024)



View of the subject property from the street



View of the abutting south easterly property



View of the neighbourhood



View of the northerly abutting dwelling



View from the driveway



Southerly side yard

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Southerly side yard



View from the carport



View of the backyard



View from the rear



4056 Melba Lane



View of the northerly side yard

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Development Engineering

Development Engineering has reviewed the proposed minor variances and has no objections. Changes to the plans may be required during the Grading and Drainage Clearance Certificate review.

Date: August 20, 2024Prepared By: D. Savelli**Forestry**

Forestry has reviewed the proposed minor variance(s) and have no objections.

Date: August 27, 2024Prepared By: J. Lee**Building**

1. A Building Permit is required for all building construction;
2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
3. The City of Burlington's mapping system shows an overhead hydro wire within close proximity of the proposed construction. Obtain confirmation from Burlington Hydro that there are no concerns with the proposed construction.

Date: Sep. 4, 2024Prepared By: T. Le**Transportation Planning**Deemed Road Width Analysis

Melba Lane is under the authority of the City of Burlington and the deemed right-of-way width is 20 metres. The right of-way adjacent to the subject site is approximately 20 metres therefore no additional lands are required.

Date: July 23rd, 2024 Prepared By: Taylor Kirchknopf

Transportation Planning has reviewed the proposed minor variance application and has no concerns or comments.

Date: September 3rd 2024Prepared By: Taylor Kirchknopf

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Finance**Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

Tax

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: August 15, 2024Prepared By: L. Bray**Halton Region**

Regional Staff have reviewed the Minor Variance application for 4052 Melba Lane, where the applicant is proposing the construction of a one-storey attached garage and covered porch. Regional Staff offer the following comments:

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- Regional Staff have no objections to the Minor Variance application.

Date: September 4, 2024Prepared By: Amanda McNeish

**PLANNING ACT, R.S.O. 1990, C.P. 13
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)

Application made under:

Section 45 (1) of the Planning Act

Section 45 (2) of the Planning Act

Discussed the application with a City Zoning Examiner and Development Planner Y or N

Name of Planner: _____ Name of Zoning Examiner: _____

PROPERTY INFORMATION

Municipal Address(es) of property:

4052 Melba Lane

Legal Description of property:

Lot 10 and part of lane between Lots 10 & 11, Registered Plan 711

Official Plan Designation: Residential Areas Current Zoning Designation R2.1 - Designated

OWNER(S) INFORMATION:

Legal Name (as it appears on the title for the property):

Jesse McClure & Jhonna Stephanie Reyes

Mailing Address: 4052 Melba Lane City: Burlington

Postal Code: L7L 2C3 Home Phone: _____ Mobile Phone: 647-778-4882

Work Phone: _____ E-Mail: jmcclure06@hotmail.com

AGENT INFORMATION (if applicable): (This person will be the primary point of contact if provided)

Name:

Jenny Bognar

Business Address: 193 East 43rd Street City: Hamilton

Postal Code: L8T 3C3 Home Phone: _____ Mobile Phone: 905-517-6027

Work Phone: _____ E-Mail: jbdraftinganddesign@live.ca

PROPOSED DEVELOPMENT Please outline in detail your proposed development and list each variance you are requesting, as well as the Zoning By-law Requirements. Attach a separate sheet if required.

24.95 sq. m. one story garage addition & new 4.48 sq. m. front covered porch to existing 1 story dwelling

Variance(s) Requested	Zoning Bylaw Requirement
1. Front Yard setback to garage addition of 10.08 m.	11.0 m. min.
2. Side Yard setback to garage addition of 2.12 m.	2.32 m. min.
3. Overhang off front wall of garage of 1.29 m.	0.50 m. max.
4. Front Yard setback to covered porch of 7.88 m.	10.35 m. min.

In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature? See attached

2. Why are the variance(s) desirable for the appropriate use of the land? See attached

3. Do the variance(s) meet the intent and purpose of the Official Plan? See attached

4. Do the variance(s) meet the intent and purpose of the Zoning By-law? See attached

Minor Variance Supplemental Information

4052 Melba Lane, Burlington

To whom it may concern,

We are kindly requesting consideration for a number of minor variances to build a small one story garage addition, in replacement of a current carport, on the east of the existing dwelling, as well as a modest covered front porch on the front of the existing dwelling.

Variations Required

1. To permit a front yard setback of 10.08m., instead of the minimum required 11.0m. for a proposed 1 story garage addition to an existing single family dwelling.
2. To permit an interior side yard setback of 2.12m., instead of the minimum required 2.32m. for a proposed 1 story garage addition to an existing single family dwelling.
3. To permit a front yard overhang from the front wall of the new garage, of 1.29m. instead of the maximum of 0.50m.
4. To permit a front yard setback of 7.88m., instead of the required 10.35m. for a proposed front covered porch.

General Neighborhood & Lot Character

This lot is located in a lovely, older and established area of the city. The area consists of many different types of homes of varying shapes and sizes - bungalows, 2 story, and like this one, side splits.

We are proposing a small 1 story garage addition off the east of the dwelling that can give the home owner an enclosed parking space and a new front covered porch that can provide a more interesting entrance to the front of the home.

Almost every home on the street has a covered entrance way and an enclosed garage which makes these changes a positive modification to this home and ensures it's in keeping with the look and character of the neighbourhood.

Variations

To permit a front yard setback of 10.08m., instead of the minimum required 11.0m. for a proposed 1 story garage addition to an existing single family dwelling.

We are asking for a small reduction in the required front yard setback. The existing house does not meet the current setback requirements, nor does the new garage, but we made a point of not only meeting the existing setback but exceeding it so that the garage sits farther back than the front façade of the existing house. The front wall of the new garage is proposed to sit in the same location as the existing carport posts, so we feel this will not change the look or massing of the existing house very drastically. This request is quite minor and will give the home owners a secure place to store their vehicle and make it easier for use in the extreme weather.

To permit an interior side yard setback of 2.12m., instead of the minimum required 2.32m. for a proposed 1 story garage addition to an existing single family dwelling.

Much like the front yard setback, we are placing the new east wall of the garage addition, in line with the current carport posts. There are two reasons for this. One, is to maintain the current massing and not drastically change the look of the existing house, and two, to use the current roof system that is above the current carport.

We feel this request is very minor and there is still plenty of rear yard access width on the west side of the property, and does not change the existing setback situation on the east side.

To permit a front yard overhang from the front wall of the new garage, of 1.29m. instead of the maximum of 0.50m.

This variance is to facilitate an existing situation. The roof is existing and will not be changing with the garage addition. However, the bylaw states a maximum overhang encroachment from the wall face of 0.50m. Currently the overhang is 1.02m. from the front door wall of the existing dwelling and given that our new garage wall is set back from this façade, our overhang request is 1.29m.

We feel this variance is minor in nature as it is existing and we are only seeking to make it legal.

To permit a front yard setback of 7.88m., instead of the required 10.35m. for a proposed front covered porch.

We wish to add a new covered front porch to the front of the existing dwelling. Again, as the existing dwelling does not meet the required 11.0m. yard setback, it is impossible to meet the allowable encroachments.

We would like to add the flat roofed covered porch to add some interest and depth to the fairly flat planes on the existing front of the dwelling. We feel this porch breaks up the high and uninterrupted slopes and gives some intimacy to the front entrance.

We feel this porch addition does not create any negative impacts on the front amenity space or the streetscape as a whole.

All in all, we feel these variances are all minor in nature and are in keeping with the intent of the bylaw. We feel the updates to the house would be a welcome addition to an outdated dwelling that could use some interest in both style and massing

We appreciate your time and consideration in this manner.

PROPERTY DETAILS (please complete all fields):					
Date property purchased:	01-10-2024 <small>mmm/dd/yyyy</small>	Date property first built on:	Unknown <small>mmm/dd/yyyy</small>	Date of proposed construction:	ASAP <small>mmm/dd/yyyy</small>
Existing Use of the Subject Property (check one):		Length of time the existing uses of the subject property have continued:			
Detached Dwelling <input checked="" type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Other <input type="checkbox"/> _____		Always			
		Proposed Use of the Land:			
		Single family dwelling			
Existing Uses of Abutting Properties (check all that apply)					
Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>					
Additional Information					
Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/>					
Is the property on the Municipal Cultural Heritage Register for the City of Burlington? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <div style="text-align:right;">Unknown <input type="checkbox"/></div>					
Type of Access to the Subject Lands					
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other(specify) <input type="checkbox"/>	
Municipal Services Provided					
Water <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____				
Sanitary Sewers <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____				
Storm Sewers <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____				
IS THE SUBJECT LAND(S) THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS:					
<input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Zoning By-law Amendment <input checked="" type="checkbox"/> Building Permit <input type="checkbox"/> Site Development Plan <input type="checkbox"/> Plan of Subdivision <input type="checkbox"/> Previous Minor Variance <input type="checkbox"/> Consent					

FOR RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLINGS

Dimensions of Property			Street Width (see first page of application for how to obtain)			Lot Coverage	Corner Lot? Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Frontage	Depth	Area	Actual	Deemed	Required		
23.19 m.	34.19 m.	1030.30 sq. m.	20.0 m.	20.0 m.	0.0 m.	20.3%	

Particulars of all buildings and structures on or proposed for the subject lands

(attach additional page if required)

EXISTING (Dwelling/Building)				PROPOSED (Dwelling/Building/Addition)			
Ground Floor Area (incl. attached garage)	179.31 (with rear addition)	M ²		Ground Floor Area (incl. attached garage)	209.27	M ²	
Gross Floor Area:	179.31	M ²		Gross Floor Area:	209.27	M ²	
Number of Storeys:	1			Number of Storeys:	1		
Width:	14.34	M		Width:	14.34	M	
Length:	14.05	M		Length:	17.53	M	
Height:	4.71	M		Height:	4.71	M	
Garage/Car Port (to be removed)				Garage/Car Port			
Detached?		Y <input type="checkbox"/> N <input checked="" type="checkbox"/>		Detached?		Y <input type="checkbox"/> N <input type="checkbox"/>	
Gross Floor Area:	26.28	M ²		Gross Floor Area:		M ²	
Width:	3.47	M		Width:		M	
Length:	7.58	M		Length:		M	
Height:	2.94	M		Height:		M	
Accessory Structures (Shed, Gazebo, etc)				Accessory Structures			
Gross Floor Area:		M ²		Gross Floor Area:		M ²	
Width:		M		Width:		M	
Length:		M		Length:		M	
Height:		M		Height:		M	
Other (pool, additional sheds, decks, driveways, etc.)				Other			
Gross Floor Area:		M ²		Gross Floor Area:		M ²	
Width:		M		Width:		M	
Length:		M		Length:		M	
Height:		M		Height:		M	
LOCATION of all existing and proposed buildings and structures							
EXISTING				PROPOSED			
Front:	9.09	M		Front:	10.08	M	
Rear:	10.36	M		Rear:	19.12	M	
Side/Street Side:	4.66	M		Side/Street Side:	2.12	M	
Side/Other Side:	5.23	M		Side/Other Side:	n/a	M	

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.


A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required will result in deferral of the application.

I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

Owner Name	Jesse McClure	Property Address	4052 Melba Lane
			07-18-2024
	Signature of Owner/Applicant		Date (mmm/dd/yyyy)

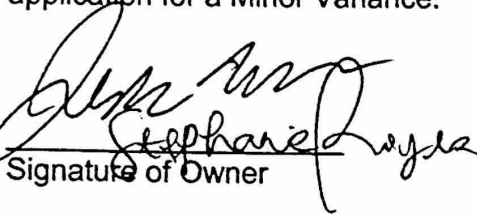
OWNERS AUTHORIZATION

If using an agent, the owner must also complete the following form:

I, Jesse McClure & Jhoanna Stephanie Reyes being the registered owner of the subject lands, hereby
(print name)

Authorize Jenny Bognar to prepare, submit and act on my behalf with respect to this
(print agent name)

application for a Minor Variance.


Signature of Owner

July 17 2024
Date (mmm/dd/yyyy)

Notice of collection of personal information

Personal information contained on this form is collected under the authority of the Planning Act, RSO 1990, c. P.13, to process applications and make decisions. Applications made under the Planning Act, are considered part of the public record and shall be made available to the public. Questions about this collection can be directed to the Manager of Development Planning, City of Burlington, 426 Brant Street, Burlington, Ontario, L7R 3Z6, 905-335-7600.

The applicant acknowledges that an application, all supporting information and materials, including studies and drawings, submitted under the Planning Act, pursuant to s. 1.0.1 of the Planning Act, RSO 1990, c.P.13, as amended, shall be made available to the public.

AFFIDAVIT

*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable) Signature of Applicant or Authorized Agent

Agent: JENNY BOGNAR

I, JENNY BOGNAR of the CITY of HAMILTON in the _____
(print name) (Region/City/County) (City/Town/Township)

of _____ solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of Hamilton in the _____
(Region/City/County) (City/Town/Township)

this 19th day of July 2024.

Jessica Elizabeth Versace,
a Commissioner, etc.,
Province of Ontario, for the City of Hamilton,
Expires October 12, 2026

Jessica Versace
Signature of Commissioner, etc.

Jenny Bognar
Signature of Applicant or Authorized Agent

PERMISSION TO ENTER

IMPORTANT This MUST be completed for all applications and signed by the OWNER.

Municipal Address of Subject Lands: 4052 Melba Lane

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Stephanie Reyes
Signature of Owner

Jesse McClure
Joanna Stephanie Reyes
Print Name

Minor Variance Application Checklist Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	Select (✓)
LEGAL SURVEY (must be prepared and signed and dated by an Ontario Land Surveyor) * For new development, a Proposed Building Plan stamped by an Ontario Land Surveyor or Professional Engineer may be required.	X
OR	
DETAILED SITE PLAN (must be prepared and stamped by Professional Engineer, Ontario Land Surveyor or Professional Architect). A legal survey may still be required at the discretion of staff.	
AND	
PLAN and ELEVATION DRAWINGS which include the following as applicable: (Missing details or illegible drawings will be sent back to the applicant for correction)	
SITE PLAN <ul style="list-style-type: none"> <input type="checkbox"/> Metric Scale <input type="checkbox"/> North Arrow <input type="checkbox"/> Frontage <input type="checkbox"/> Depth <input type="checkbox"/> Lot Area <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Deemed Street Line <input type="checkbox"/> Existing Front Yard Setbacks <input type="checkbox"/> Existing Rear Yard Setbacks <input type="checkbox"/> Existing Side Yard Setbacks <input type="checkbox"/> Existing Street Side Yard Setbacks <input type="checkbox"/> Existing Porch, Stairs and Overhang Setbacks <input type="checkbox"/> Proposed Front Yard Setbacks <input type="checkbox"/> Proposed Rear Yard Setbacks <input type="checkbox"/> Proposed Side Yard Setbacks <input type="checkbox"/> Proposed Street Side Yard Setbacks <input type="checkbox"/> Proposed Porch, Stairs and Overhang Setbacks <input type="checkbox"/> Streets (Public and Private) <input type="checkbox"/> Street Names <input type="checkbox"/> Parking (Dimensioned spaces, Driveway Width, Arrangement) <input type="checkbox"/> Railways (Location of them and setbacks to structures) <input type="checkbox"/> All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc) 	

Minor Variance Application Checklist

Please add a check mark beside the items you have provided with your application.
Illegible drawings or those missing required details will be returned to applicant.

LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES

- Setbacks
- Height
- Area
- Length
- Width

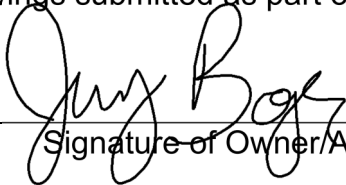
ELEVATIONS

- Metric
- Front
- Rear
- Side 1
- Side 2

FLOOR PLANS

- Metric
- North Arrow
- Gross Floor Area Calculation
- Ground Floor Area Calculation
- Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.



Signature of Owner/Agent

07-18-2024

Date (mmm/dd/yyyy)



(905) 335-7629
committeeofadjustment@burlington.ca
FILE NO. 540-02-**A-054/24**
Committee of Adjustment
Mailing Date: September 23rd, 2024

NOTICE OF PUBLIC HEARING

Jesse McClure and Jhoanna Reyes, the owners of 3053 Woodward Ave. Burlington, have applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **4052 Melba Lane Burlington** (see map).

The applicant is proposing the construction of a one storey attached garage and covered porch addition to existing one-storey single detached dwelling. This proposal results in the following variances:

- 1. To permit a front yard of 10 m instead of the minimum required 11 m for a proposed attached garage addition.**
- 2. To permit an east side yard of 2.1 m instead of the minimum required 2.319 m for a proposed attached garage addition.**
- 3. To permit a front yard of 7.8 m instead of the minimum required 10.35m (11 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.**

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca** **on or after September 23rd, 2024.**

City Council approved Committee of Adjustment Hearings to be held electronically, with all Committee members, staff, applicants, and delegations participating in the meetings remotely. The Committee of Adjustment will meet virtually to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

WEDNESDAY OCTOBER 9, 2024,

This application is scheduled to be heard at or after 5:30 pm.

How to participate if I have comments or concerns?

Submit written correspondence

You can send your written comments (photos, plans, etc) regarding the application by e-mail (**preferred**) to **committeeofadjustment@burlington.ca** with the subject line to read "Comments_Your Name_File No._Address of the Property" OR by regular mail addressed to the Secretary-Treasurer noted below.

Include your name, address, application number and address of the property for which you are providing comments. **To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.**

City of Burlington Committee of Adjustment - Community Planning
Attn: Erin Shacklette, Secretary-Treasurer
426 Brant Street P.O. Box 5013 Burlington, Ontario, L7R 3Z6
committeeofadjustment@burlington.ca

Participate in the electronic hearing by webinar or telephone:

Pre-register as a delegate by contacting the Secretary-Treasurer noted below by email or telephone no later than 12:00 p.m. (noon) the day before the hearing date. You are encouraged to pre-register as a delegate as soon as possible to facilitate an orderly registration process.

All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance as a backup should any technology issues occur. Pre-registered delegates will be provided with all applicable access codes and instructions to enter the electronic hearing and will also be asked to test their audio/video capabilities prior to the hearing.

Watch or listen to the Committee of Adjustment Hearing:

If you do not wish to participate, but would like to follow along, the hearing will be held live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **4:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing.

For more information about this matter, contact Erin Shacklette at committeeofadjustment@burlington.ca

Yours truly,



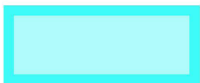
Erin Shacklette
Secretary-Treasurer
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

Key Map



Key Map



4052 Melba Lane

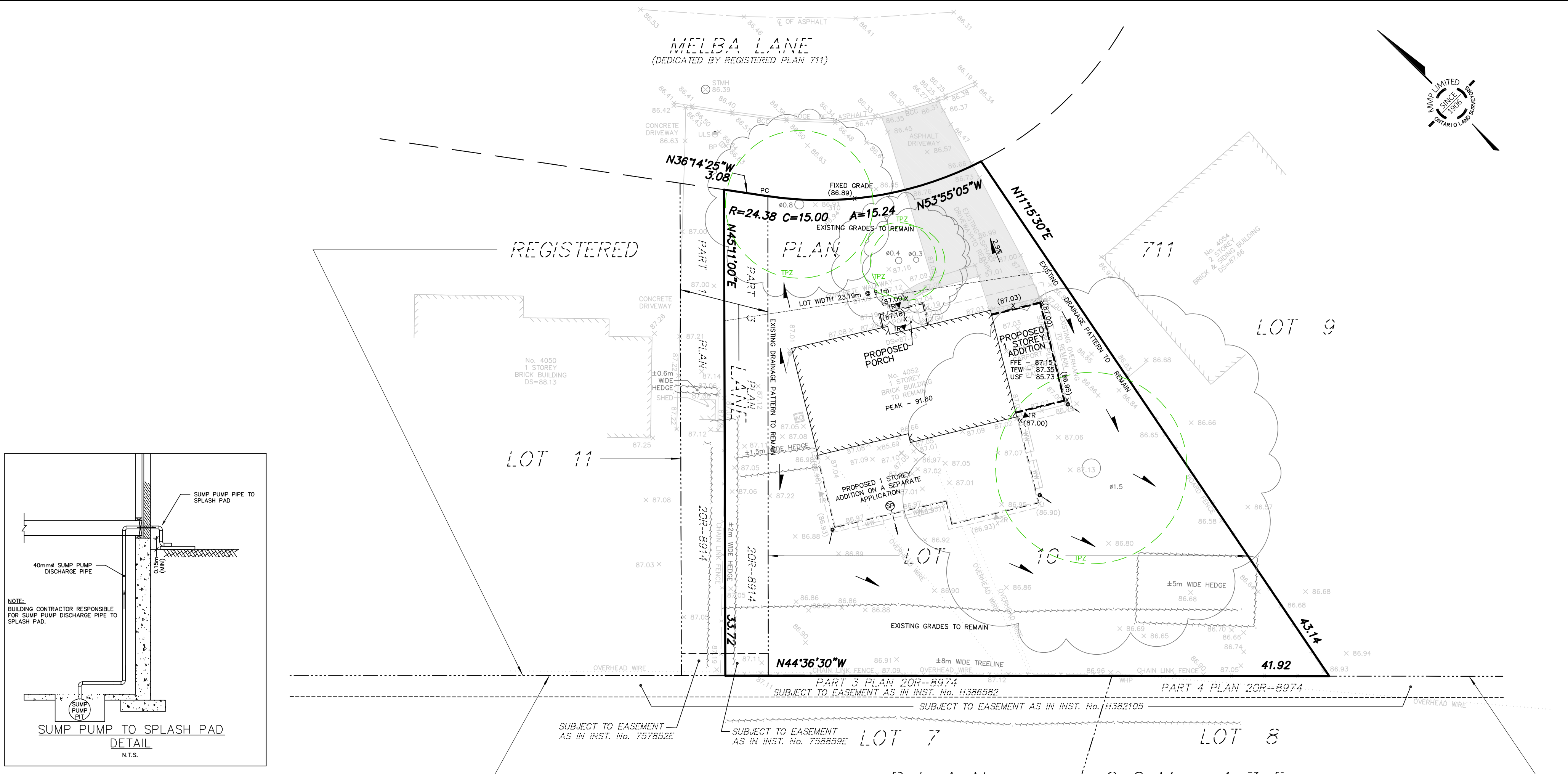
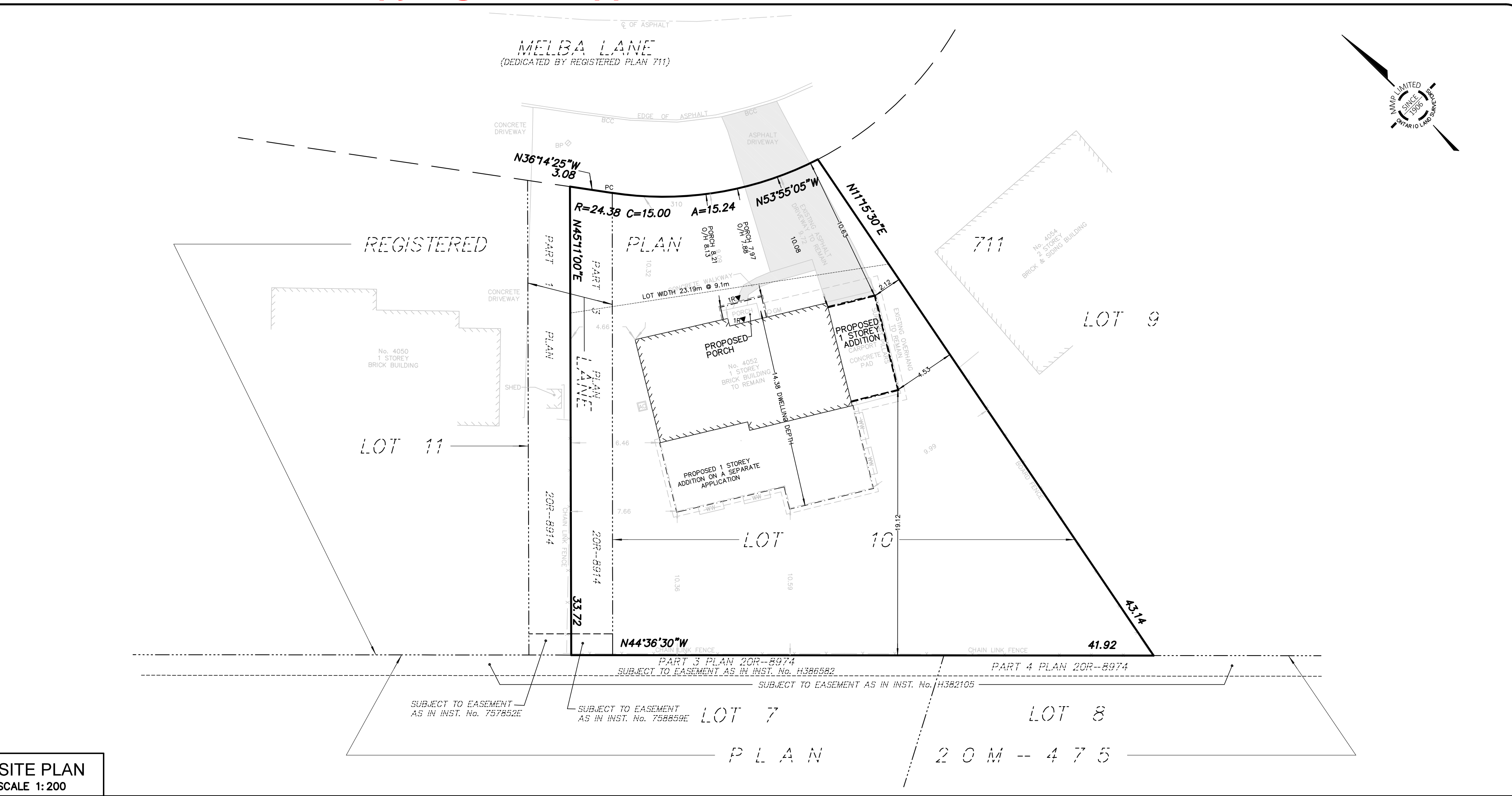
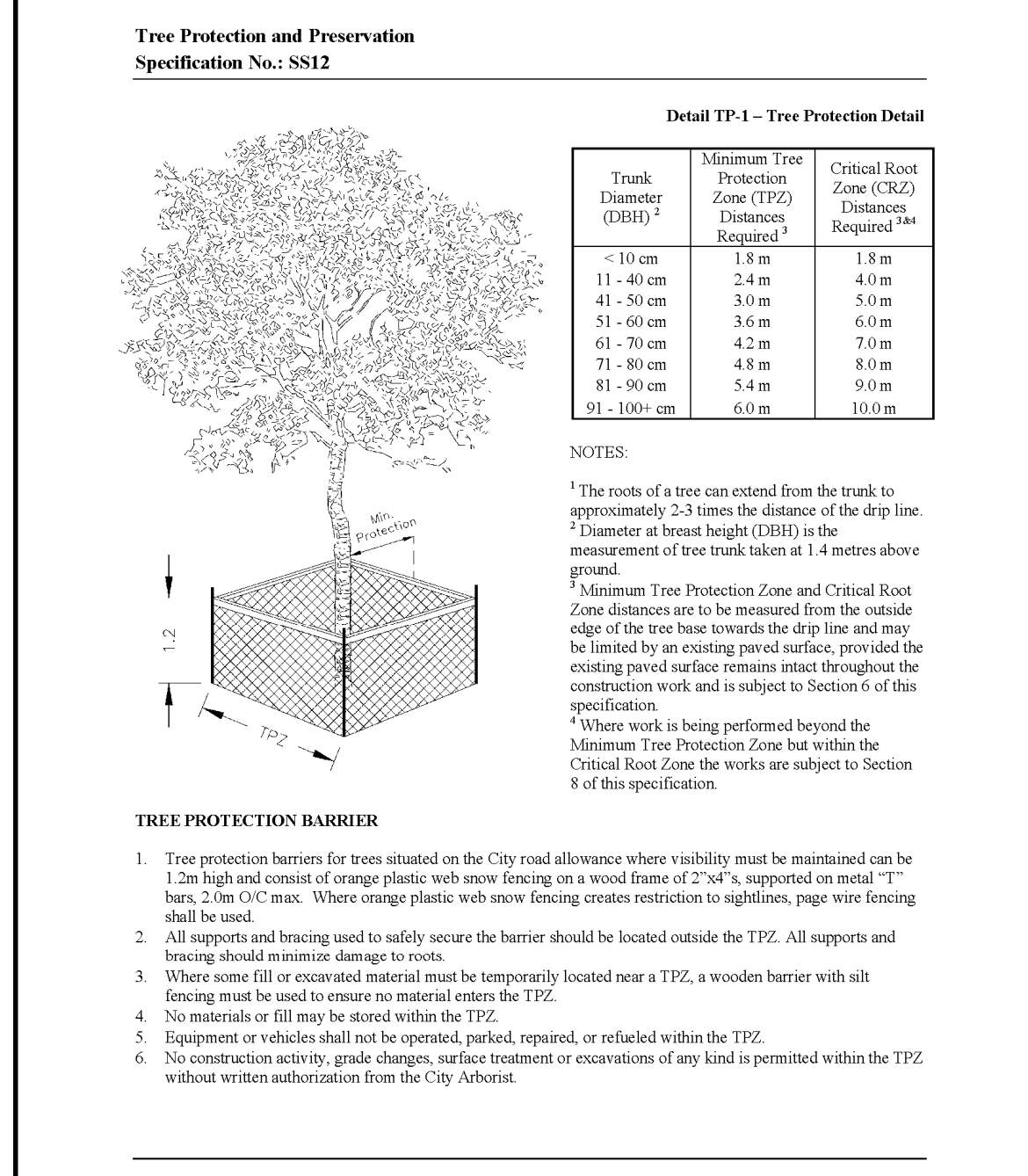
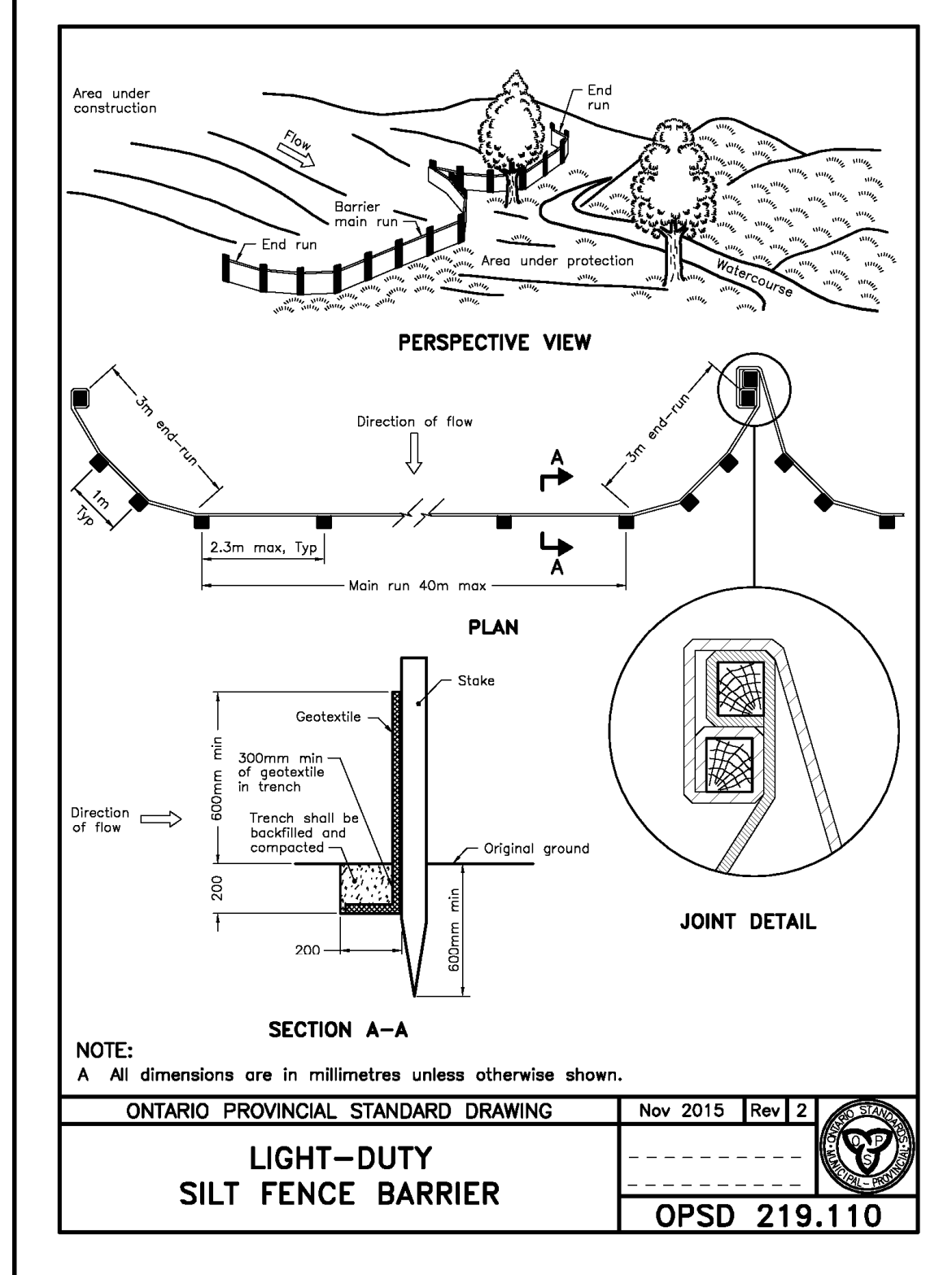


Committee of Adjustment
Planning Department - Planning
Implementation

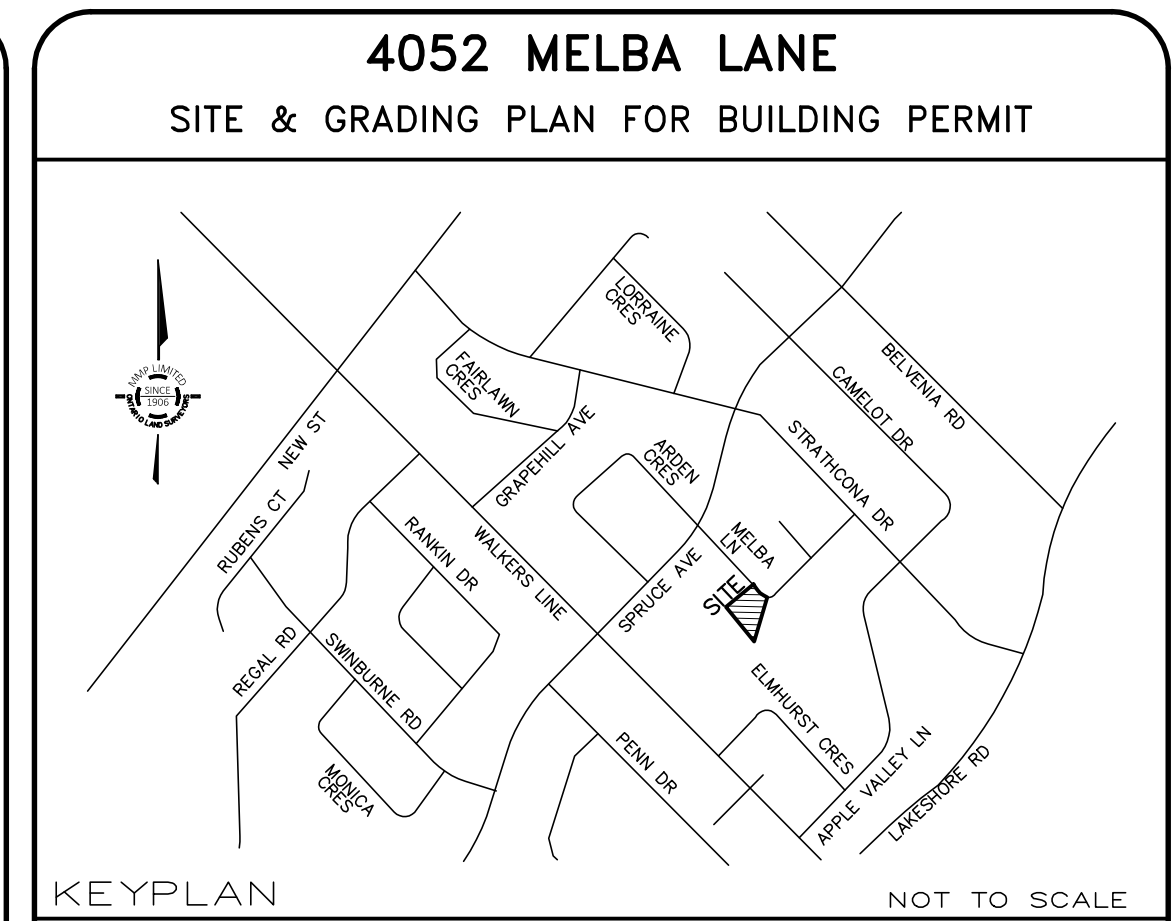
CITY OF BURLINGTON ZONING BY-LAW 2020
ZONING REGULATION - R2.1 DESIGNATED AREA

ZONE	REQUIRED	PROVIDED
LOT WIDTH (9.1m)	18.0m (min)	23.19m
LOT AREA	700sq.m. (min)	1030.3 sq.m.
FRONT YARD	11.0m (min)	10.08m 9.09m PROPOSED ADDITION EXISTING DWELLING
REAR YARD	10.0m (min)	10.36m EXISTING ADDITION
SIDE YARD	2.32m (min)	4.66m NORTHWEST EXISTING 10% OF ACTUAL LOT WIDTH
STREET SIDE YARD	4.5m (min)	2.12m * SOUTHEAST
BUILDING AREA	N/A	107.22 sq.m. (EXISTING DWELLING) 78.52 sq.m. (PROPOSED REAR ADDITION) 24.96 sq.m. (PROPOSED GARAGE) 210.70 sq.m. (TOTAL AREA)
LOT COVERAGE	35% (max)	20.4% INCLUDING ACCESSORY N/A ACCESSORY
BUILDING HEIGHT	7.5m (max) 4.5m (max) FROM FIRST STOREY CEILING	4.71m N/A
FLOOR AREA RATIO	0.45:1 (max)	0.21:1 (AS PROVIDED)
DWELLING DEPTH	18.00 (max)	14.38m
DEEMED STREET WIDTH	N/A	296.82sq.m. 28.8%
HARDSCAPE AREA		
HARDSCAPE COVERAGE		
PROPOSED 1 STOREY ADDITION (GARAGE) AND FRONT COVERED PORCH		

* = VARIANCE REQUIRED



GRADING PLAN
SCALE 1:200



GEOGRAPHIC LOCATION NOTE
LOT 10 AND PART OF LANE BETWEEN LOTS 10 & 11 REGISTERED PLAN 711 IN THE CITY OF BURLINGTON REGIONAL MUNICIPALITY OF HALTON SCALE 1 : 200

MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
© 2024

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
COLOUR THE ORIGINAL SIGNED PRINT OF THIS SITE PLAN CONTAINS COLOUR

BENCHMARK NOTE
CITY OF BURLINGTON BENCHMARK No. 11
ELEVATION = 89.480 METRES (CGVD 1928:1978 ADJUSTMENT)
CONCRETE MOUNTAIN ON SOUTHWEST SITE OF WALKERS LINE, 960 METRES NORTHWEST OF LAKESHORE ROAD, 160 METRES SOUTHWEST OF NEW STREET OPPOSITE HOUSE No. 413 IN FRONT OF No. 412 WALKERS LINE, 1.4 METRES SOUTHWEST OF HYDRO POLE, 0.15 METRES SOUTHWEST OF BACK OF CURB; TABLET IN TOP CONCRETE AT GROUND LEVEL.

LEGEND
FFE DENOTES FINISHED FLOOR ELEVATION
TFW DENOTES TOP OF FOUNDATION WALL
USF DENOTES UNDERSIDE OF FOOTING
SP DENOTES SUMP PUMP
R DENOTES RISER
D DENOTES DOWNSPOUT
XXX.XX DENOTES EXISTING ELEVATIONS
(XXX.XX) DENOTES PROPOSED ELEVATIONS
T.B.R. DENOTES TO BE REMOVED
○ DENOTES DECIDUOUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES
○ DENOTES CONIFEROUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES
STM MH DENOTES STORM MANHOLE
UP DENOTES UTILITY POLE
AC DENOTES AIR CONDITIONER
○ DENOTES SILT FENCE
○ DENOTES TREE PROTECTION ZONE
○ DENOTES TREE PROTECTION BARRIER
○ DENOTES MATERIAL STORAGE, FILL PLACEMENT
○ DENOTES CONSTRUCTION ACCESS

NOTES
- PROPOSED TIES SHOWN HEREON ARE TO FOUNDATION ONLY
- BUILDING DIMENSIONS WERE TAKEN FROM PLANS SUPPLIED BY THE CLIENT
- ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE BENCHMARK NOTED ABOVE
- LOT GRADING SHALL MATCH WITH THE EXISTING DRAINAGE PATTERNS
- SANITARY SEWER SERVICE CONNECTION MUST BE INSTALLED BEFORE BASEMENT EXCAVATION TO ENSURE SERVICING AT BASEMENT LEVEL
- BUILDER TO VERIFY ALL EXISTING GRADES PRIOR TO CONSTRUCTION INCLUDING ROAD AND LOT LINE GRADES
- SUMP PUMP AND DOWNSPOUTS TO DRAIN TO PERMEABLE SURFACE VIA SPLASH PADS
- ALL UNDERGROUND SERVICES MUST BE LOCATED BY CONTRACTOR PRIOR TO ANY CONSTRUCTION
- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK
- BOUNDARY DIMENSIONS ARE AS SHOWN ON SURVEYOR'S REAL PROPERTY REPORT BY MMP LIMITED DATED MARCH 28, 2024 (24-041)
- PROPOSED BUILDING IS POSITIONED BY CALCULATION, NOT BY AN ACTUAL SURVEY
- THIS PROPOSED PLAN IS PRELIMINARY UNTIL THE APPROPRIATE BUILDING DEPARTMENT'S SIGNED APPROVAL HAS BEEN OBTAINED
- ANY AMENDMENT OR ALTERATION OF THIS PLAN MUST BE REPORTED TO MMP LIMITED PRIOR TO LAYOUT OF BUILDING IN THE FIELD
- UTILITIES AND SERVICES SHOWN ON THIS SKETCH ARE APPROXIMATE AND MUST BE VERIFIED BEFORE CONSTRUCTION
- ALL UTILITIES TO BE COORDINATED ON SITE DURING CONSTRUCTION. THE INSTALLATION OF UTILITIES SHALL NOT DISRUPT TREE PROTECTION ZONES. THE BUILDER SHALL COORDINATE INSTALLATION WITH INDIVIDUAL UTILITY PROVIDERS ACCORDINGLY
- ALL WINDOW WELLS ARE LANDSCAPED AND NOT ATTACHED TO THE DWELLING

CAUTION
- THIS IS NOT ORIGINAL COPY UNLESS EMBOSSED
- THIS PRODUCT SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN TITLE BLOCK
- THIS PRODUCT IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES
- THIS PRODUCT IS PROTECTED BY COPYRIGHT INCLUDING ALL RELATED DIGITAL PRODUCTS

CERTIFICATION NOTE
BOUNDARY DIMENSIONS SHOWN HEREON ARE DERIVED FROM LAND REGISTRY OFFICE RECORDS AND SURVEY RECORDS OF MMP LIMITED
WE HAVE REVIEWED THE PLANS FOR CONSTRUCTION OF A 1 STOREY ADDITION (GARAGE) AND COVERED PORCH LOCATED AT 4052 MELBA LANE AND CERTIFY THAT THE GRADING SHOWN HEREON IS COMPATIBLE WITH THE ADJACENT PROPERTIES AND EXISTING MUNICIPAL SERVICES
PROPOSED BUILDING SETBACKS AS SHOWN
PROPOSED BUILDING HEIGHT AS SHOWN
PROPOSED LOT COVERAGE AS SHOWN
PROPOSED BUILDING SITE STATISTICS AS SHOWN

JULY 16, 2024

DATE: _____
AISAR BHERI, OLS, P.Eng.
FOR: MACKAY, MACKAY & PETERS LIMITED

1 JULY 4, 2024 SITE PLAN COMPLETED
No. DATE REVISIONS

MMP
MacKay, MacKay & Peters Limited
LAND SURVEYORS & MAPPERS
SINCE 1906

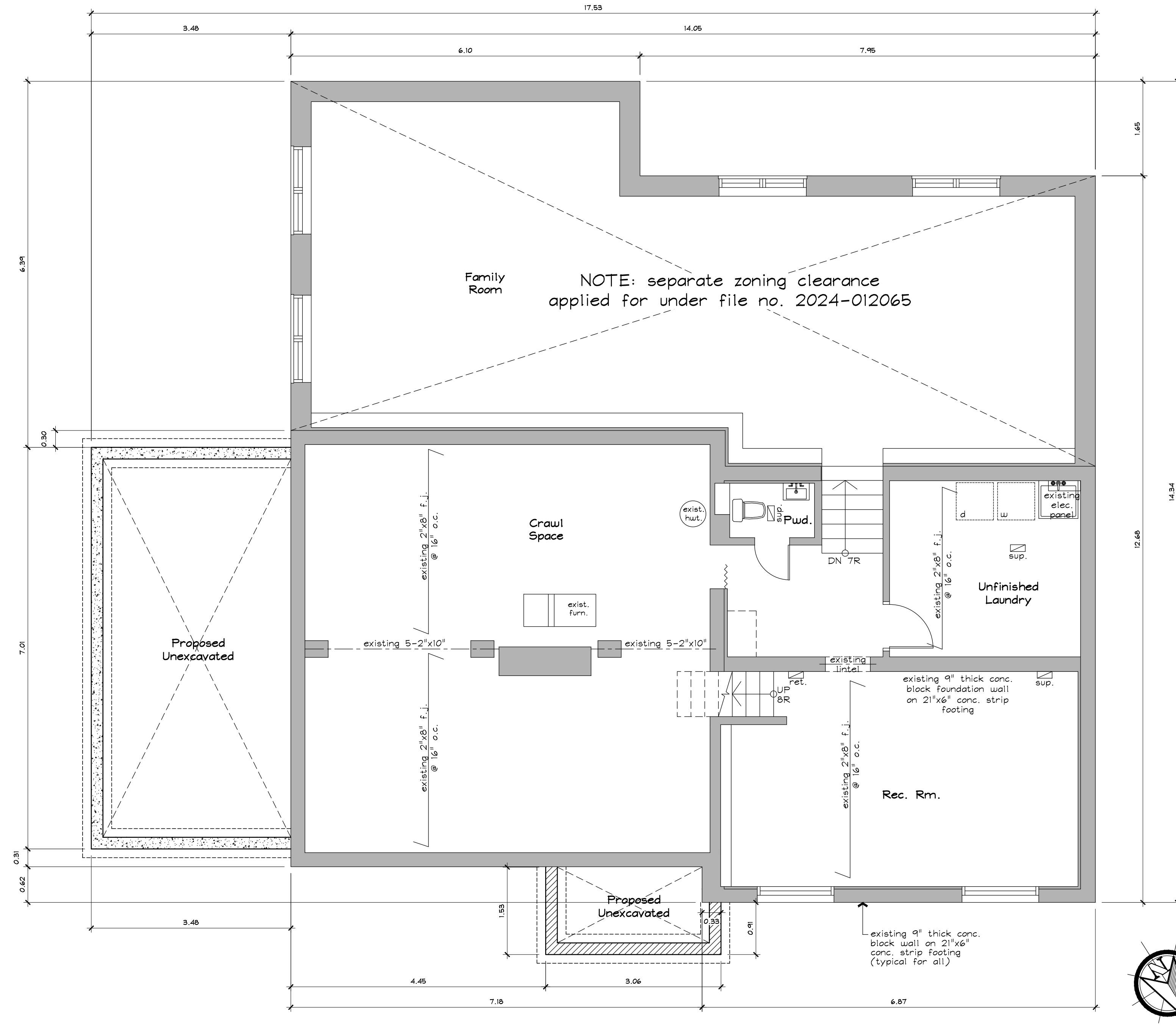
3380 South Service Road
Unit 101
Burlington, ON
L7N 3J5
(905) 639-1375
halton@mmplimited.com
mmplimited.com

1 OF 2017 ONTARIO LAND SURVEYORS ASSOCIATION
AISAR BHERI
DIPLOMA 2020

1 JULY 4, 2024 SITE PLAN COMPLETED
No. DATE REVISIONS

1 A.R. 2 A.B. 24-041-SP 2

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1 PROPOSED FOUNDATION PLAN
A1 1:50

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THE MCCLURE
RESIDENCE
4052 MELBA LANE
BURLINGTON, ON
L7L 2C3

**drafting
+ design**
193 East 43rd Street
Hamilton, ON
L8T 3C3
jbdraftinganddesign@live.ca
905-517-6027

FOR C. OF A.
07.17.24 signature required
Jennifer Bognar reviews and takes responsibility for the design work described in this document
firm bcin 103416 individual bcin 33001

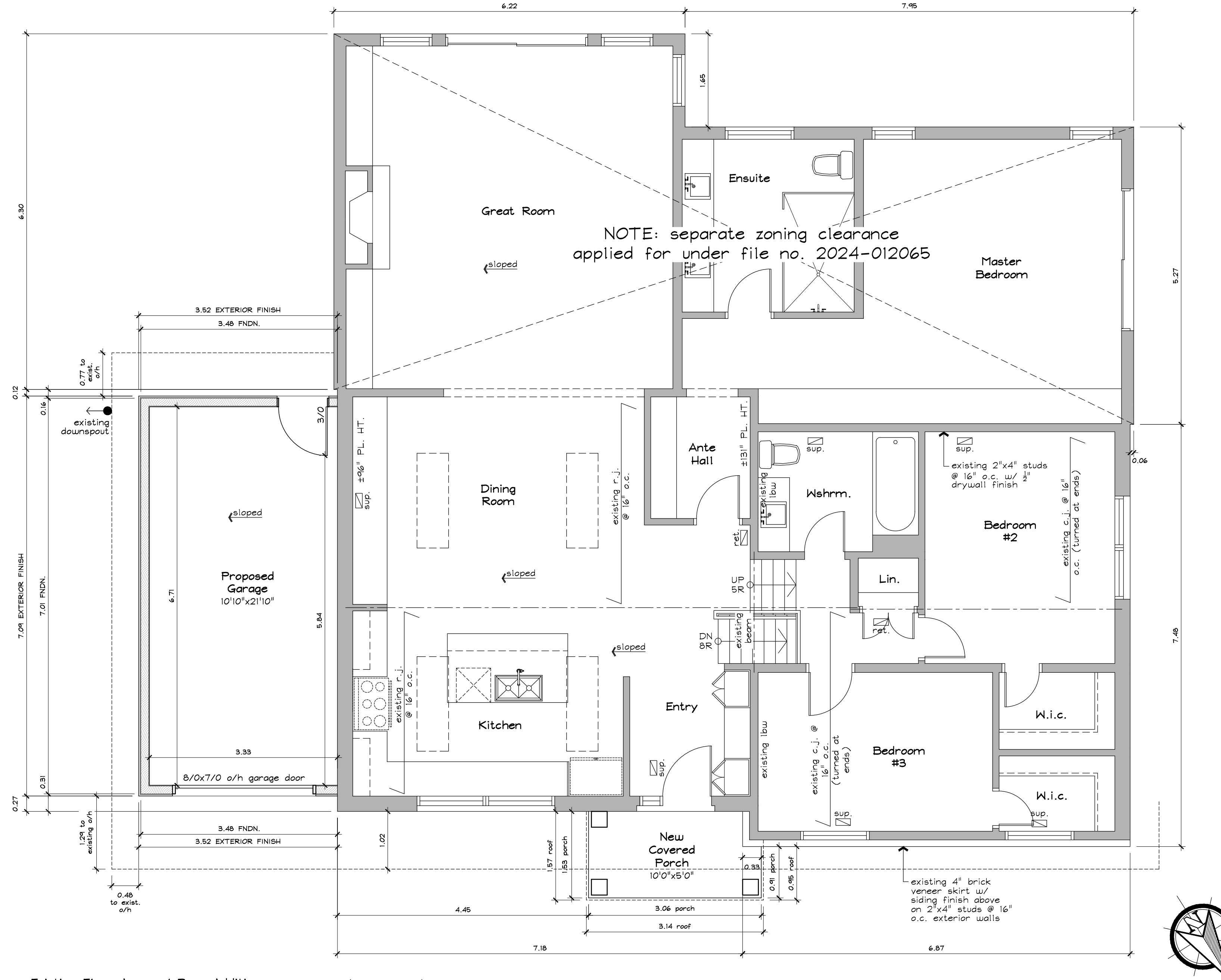
DATE	ISSUE DESCRIPTION
07.01.24	ISSUED FOR REVIEW
07.06.24	ISSUED FOR REVIEW
07.22.24	ISSUED FOR PERM.
07.17.24	ISSUED FOR C. OF A.

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PROPOSED
FOUNDATION PLAN

SHEET
A1
OF 4

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1 PROPOSED FLOOR PLAN
 A2 1:50

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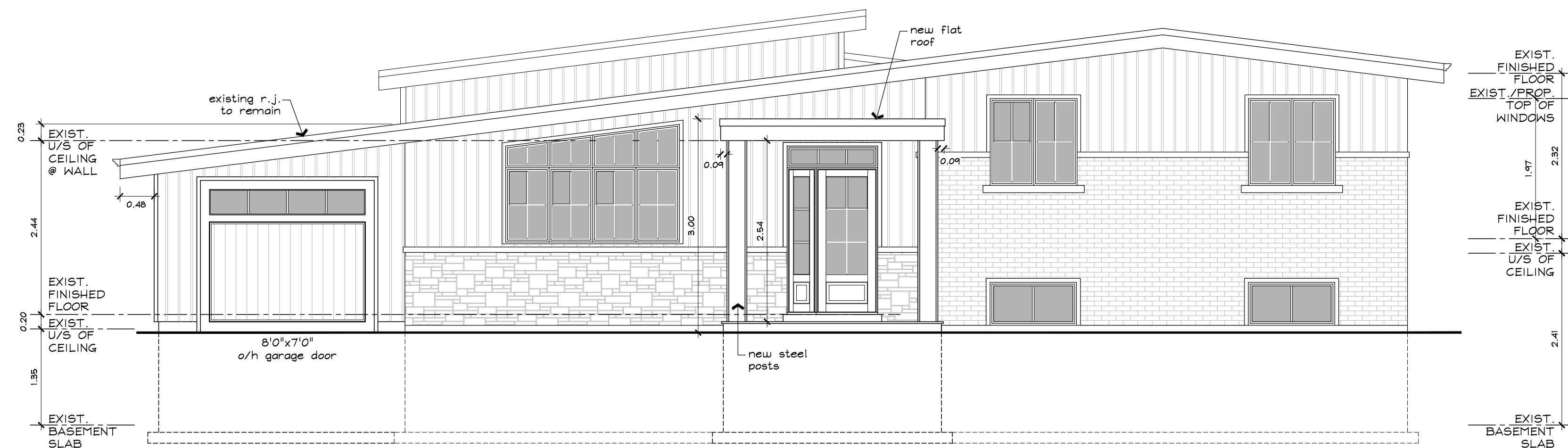
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PROPOSED FLOOR PLAN

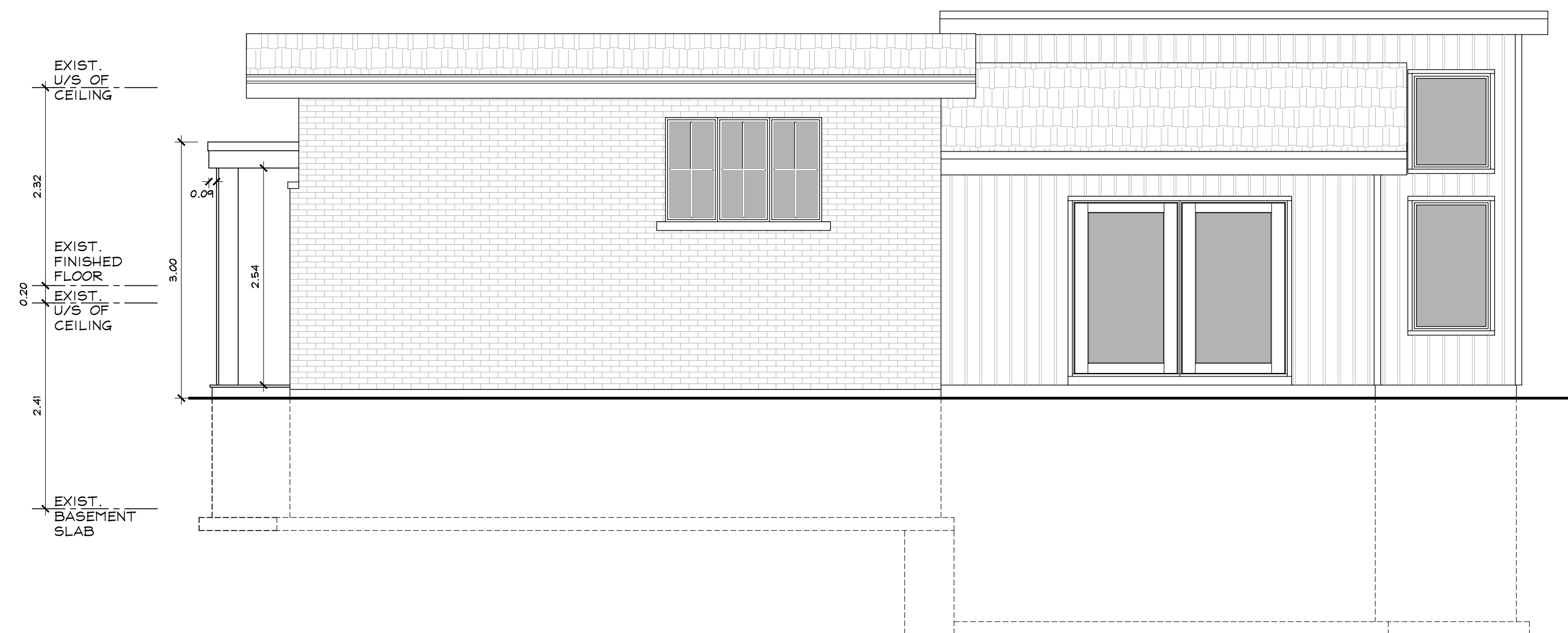
SHEET
A2
 OF 4

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1 PROPOSED FRONT ELEVATION
A3 1:50



2 PROPOSED RIGHT SIDE ELEVATION
A3 1:50

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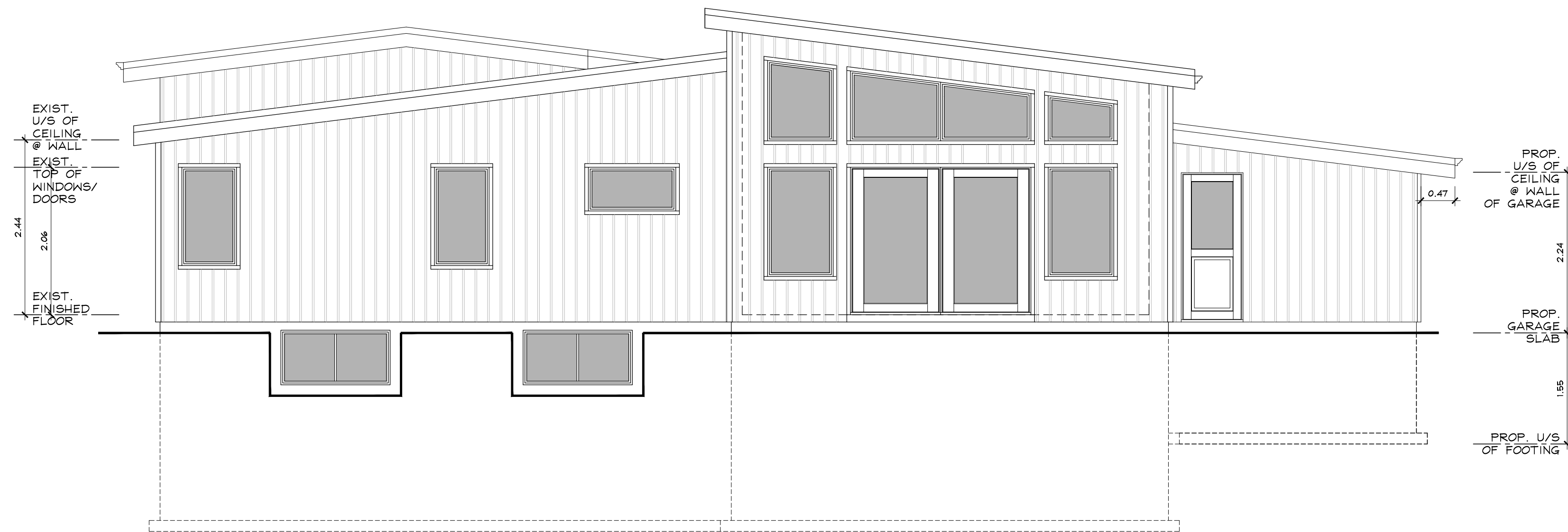
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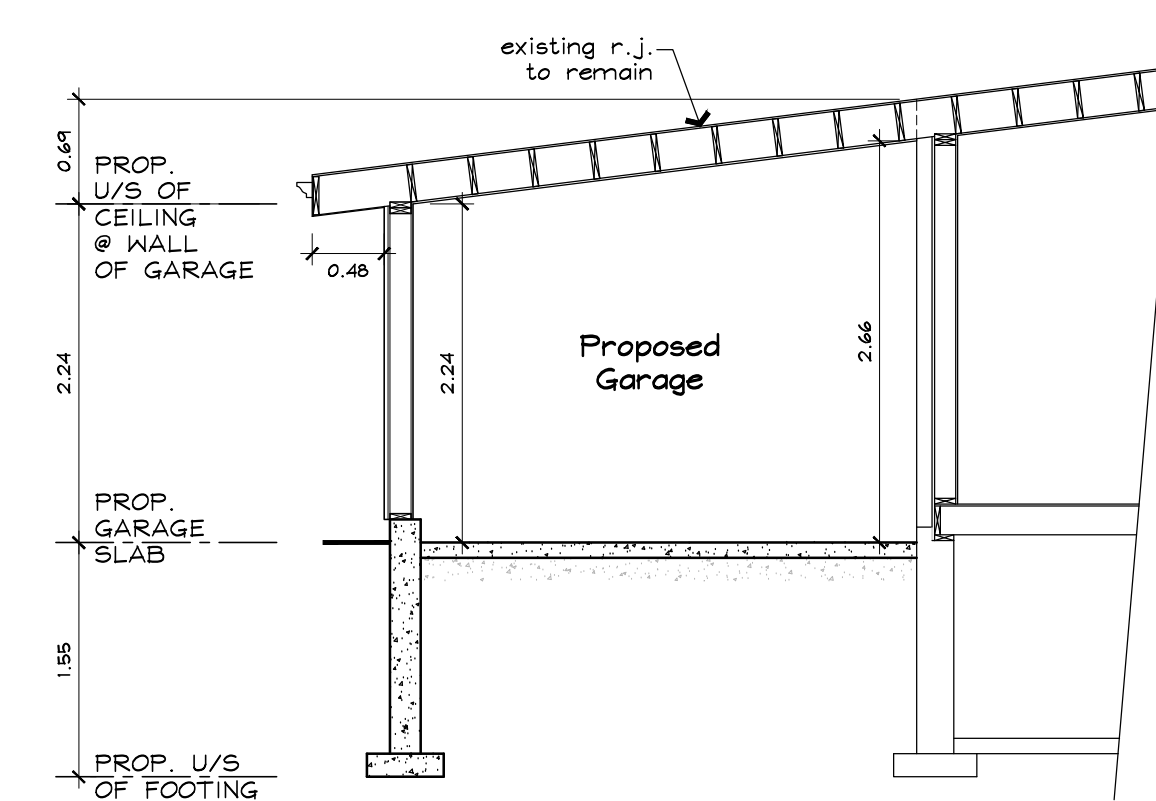
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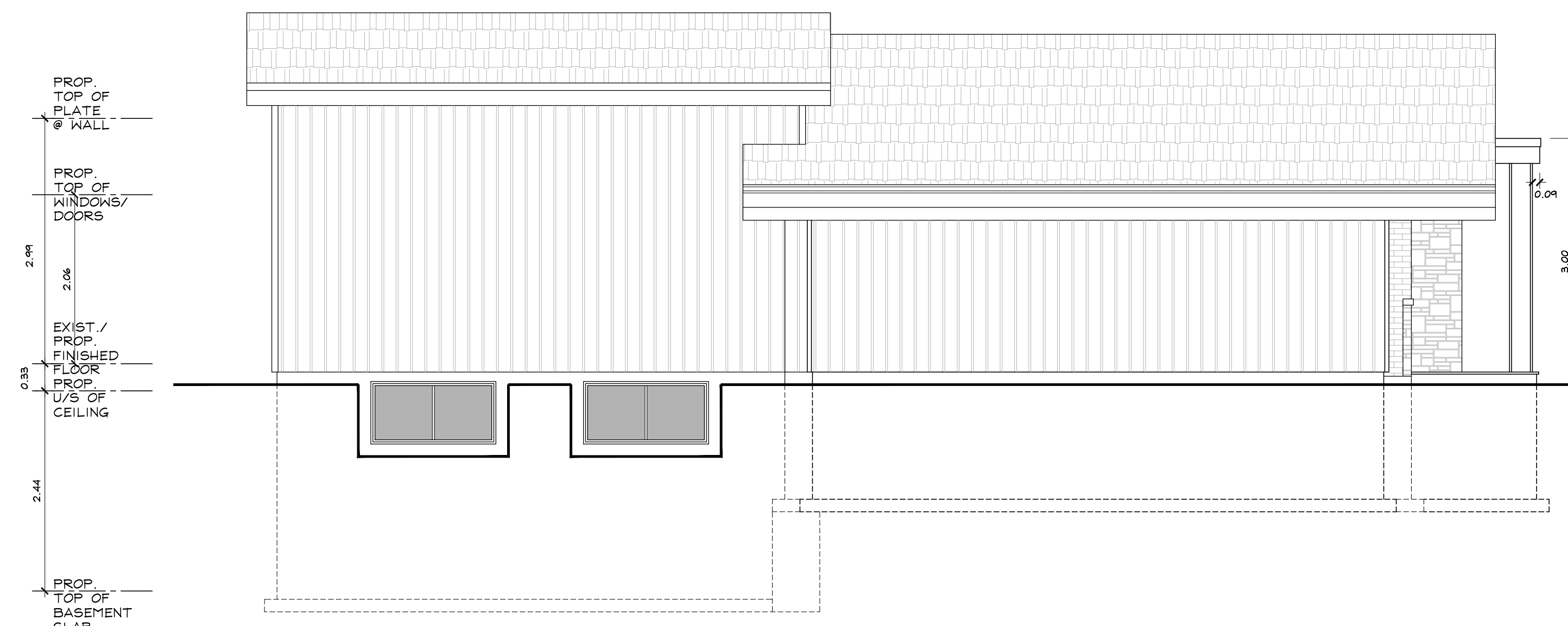
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1 PROPOSED REAR ELEVATION
A4 1:50



3 CROSS SECTION
A4 1:50



2 PROPOSED LEFT SIDE ELEVATION
A4 1:50

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PROPOSED
ELEVATIONS &
CROSS SECTION

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